THE UNIVERSITY OF CHICAGO

LABOR AND POLITICS

THE ATTITUDE OF THE AMERICAN FEDERATION OF LABOR TOWARD LEGISLATION AND POLITICS

A DISSERTATION
SUBMITTED TO THE FACULTY OF THE
GRADUATE SCHOOL OF ARTS AND LITERATURE
IN CANDIDACY FOR THE DEGREE OF DOCTOR OF
PHILOSOPHY

DEPARTMENT OF SOCIOLOGY

BY
MOLLIE RAY CARROLL

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Hart, Schaffner & Marx Prize Essays

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THE ATTITUDE OF THE AMERICAN FEDERATION OF LABOR TOWARD LEGISLATION AND POLITICS

BY

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TO

MY PARENTS

IN GRATEFUL APPRECIATION

PREFACE

This series of books owes its existence to the generosity of Messrs. Hart, Schaffner & Marx, of Chicago, who have shown a special interest in trying to draw the attention of American youth to the study of economic and commercial subjects. For this purpose they have delegated to the undersigned committee the task of selecting or approving of topics, making announcements, and awarding prizes annually for those who wish to compete.

For the year ending June 1, 1922, there were offered:

In Class A, which included any American without restriction, a first prize of $1000, and a second prize of $500.

In Class B, which included any who were at the time undergraduates of an American college, a first prize of $300, and a second prize of $200.

Any essay submitted in Class B, if deemed of sufficient merit, could receive a prize in Class A.

The present volume, submitted in Class A, was awarded honorable mention in that class.

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Columbia University
Wesley C. Mitchell
Columbia University
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N.Y. Evening Post
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Washington, D.C.

AUTHOR'S PREFACE

In any discussion of the attitude of the American Federation of Labor toward legislation and politics, two questions arise: first, how to determine which of the many more or less authoritative pronouncements by members of the organization are to be taken as fairly representing the attitude of the Federation; and, second, how far the Federation represents the attitudes of different working groups in the country as a whole.

It will be seen from the brief historical survey in Chapter II that the legislative and political policy of the American Federation of Labor has been neither entirely consistent nor unanimous. Since the bond of union for the organization has been primarily economic, and has disregarded religious, political, and even, to some extent, racial affiliations, one would expect to discover considerable diversity of opinion within the membership as regards legislation and politics. Craft needs may determine a worker's ideals in relation to the economic program of his craft, but these needs may not be and frequently are not sufficient to overcome the racial, environmental, religious, and temperamental strains that are bound to develop in the membership and to make difficult the adoption of any common point of view, even in so important a matter as a decision within the local craft union to engage or not to engage in any given form of political activity.

Complex, varied, and often diametrically opposed doctrines have been expressed by members of a body now numbering more than four million, and the problem is to arrive at any set of beliefs sufficiently coherent or continuous to justify acceptance of them as constituting a social program. It would seem, however, that actions

taken at annual conventions and expressions by duly constituted leaders may fairly be assumed to represent the attitudes of the Federation, especially in cases where leaders have been retained in office for consecutive years. The weight of the membership of the organization is behind the Federation, even though, in particular instances, the action of the corporate body may not coincide with the judgments of many, or, at times, even of the majority of the membership. The fact that the officers have been re-elected year after year shows that originally, at least, they were pretty closely in harmony with the majority of the workers. Once in power the leaders of a group may, on occasion, it is true, direct policies in channels different from those favored by the majority. In these channels the organization moves, directed by its leaders, until an opposition develops strength enough to change the course. In this observation, however, there is no intention of suggesting that the leaders have not or do not fairly represent the rank and file of the Federation as regards political activity. Adequate statistical and other evidence that they do not certainly is not at present available,[1] and one must bear in mind that the leaders, even if they do vary from the opinions of the majority, still have behind them the power of the organization, as long as they are continued in office.

While the effort is made, throughout this study, to present the dominant opinion, it is fully realized that there is a strong minority, including many able leaders in the organization, who follow the Socialist program or that of

[1] There have been evidences, however, of a continued "radical" opposition to the leaders. At the 1919 Convention, a large group of "radicals" did not vote, believing it useless to try to stand out against the old leaders. In 1920, there were long debates on "radical" matters, particularly on the organization of certain working groups into industrial, rather than craft unions and on government ownership of the railroads. The leaders came off victorious on the first issue and their opponents on the second.

the Farmer-Labor Party. The Socialist Party includes not only such men outside the movement as Mr. Robert Hunter and Mr. Morris Hillquit on the one hand, together with scattered members of the rank and file of labor on the other. It includes also strong leaders in the Federation, among whom may be mentioned Mr. Max Hayes, of the Typographical Union, and Mr. Mahlon Barnes, of the Cigarmakers' Union; and sympathizers such as Mr. William H. Johnson, President of the Machinists' Union. The Farmer-Labor Party has enlisted the support of such men as Mr. John Fitzpatrick, President of the Chicago Federation of Labor, who has never been a Socialist; Mr. James A. Duncan, of Seattle; Mr. Duncan MacDonald and Mr. John Walker, of Illinois; and, Mr. Maurer, of Pennsylvania. These, and others who might be mentioned, are valiant trade-union men, whose opinions are worthy of serious consideration. But, for the purposes of this study, the official decisions of the conventions, the actions of the national committees, and the expressions of Mr. Gompers and the groups of officials working with him, who have been the genius of the organization from its beginning, will be accepted as authority in defining the attitude of the organization.

As bearing upon the second question proposed above, namely, how far the Federation represents the workers of the United States, it may be noted that at the time of the June Convention in 1920, the organization numbered 4,078,740 members, of whom 260,247 resided in Canada and 3,818,493 in the United States.[1] The members from the United States represented about 13 per cent [2] of the

[1] American Federation of Labor: *Convention Proceedings*, 1920, pp. 29, 229.

[2] The method of arriving at these figures was as follows: The Bureau of Labor Statistics estimated analysis of wage-earners on the basis of the 1920 census of occupation statistics (*Monthly Review*, May, 1922, pp. 131–133) showed 24,805,512 "wage-earners" and 5,638,144 classified as "clerks and kindred workers" who are also represented in the

total wage-earning group, from which the American Federation of Labor might draw its membership. These members were scattered in 36,741 local and 110 national unions, 926 city centrals, and 46 State federations.[1] Among the 36,741 local unions were 1286 local trade and federal bodies, some of which were international unions in the making. In the twenty-five years preceding 1920, 87 national and international unions were so formed.[2] These unions were mainly craft and compound craft organizations. They comprised largely the skilled and semi-skilled workers,[3] and represented a majority of the unions of such workers throughout the country.

There are, however, strong labor groups which stand outside of the American Federation of Labor. The most notable of these are the four Railway Brotherhoods, numbering 453,000 workers, and the Amalgamated Clothing Workers of America, having a membership of about 177,000.[4] There are also such unions as the Amalgamated Textile Workers, the United Automobile Workers, and others, most of which have in the past seceded from the American Federation of Labor. Finally, there are the great numbers of the unskilled, only a small percentage of whom belong to the American Federation of Labor, to the Industrial Workers of the World, or to any other labor organization. It must be remembered, however, that the American Federation of Labor is to some extent the recog-

American Federation of Labor. From this total of 30,443,656 were deducted the 1,060,858 children between the ages of 10 and 16, who are normally below trade-union membership, leaving 29,382,798. The membership of the Federation within the United States comprises 13 per cent of these workers, or about 17 per cent of the adult male wage-earners of the country.

[1] American Federation of Labor: *Convention Proceedings*, 1920, p. 29.

[2] *Ibid.*, p. 33.

[3] For a list of the unions affiliated, see American Federation of Labor: *Convention Proceedings*, 1919, pp. 47–61.

[4] Geo. E. Barnett: *Membership of American Trade Unions, 1915–1920. American Economic Review Supplement*, March, 1922.

nized spokesman of at least the skilled and semi-skilled workers and that its influence undoubtedly extends beyond the range of its membership.

A word as to sources upon which such a study as the present one may be based. Since it undertakes an examination of the official attitude of the American Federation of Labor toward legislation and politics, the investigation has necessarily been based primarily upon official utterances. There have been many papers published by individuals in the trade-union movement, giving their views, and many impassioned utterances. But, simply because the American Federation of Labor represents a protean, complex, pragmatic movement,[1] inspired at one time or another by every type of union thinking — from that of the business or even the uplift unionist to that of the revolutionary, or of the predatory laborite,[2] it is impossible to consider these writings or speeches severally or in the mass as expressive of the official attitude of the entire organization. The same thing may be said of the programs and policies of some entire local unions, which express opinions at variance with those of the rest of the membership of the organization.

To arrive at the official attitude, it has been necessary to limit the present analysis to official or officially approved utterances. Specifically, the sources utilized have been the official organs of the American Federation of Labor, i.e., the *Convention Proceedings*, which show the resolutions brought before the annual meetings of the organization together with the decisions concerning them; the *American Federationist* and the *Weekly News Letter* — the monthly and weekly organs of the Federation, respectively — containing the remarks of the leaders of the movement on the topics that they have considered to be

[1] R. F. Hoxie: *Trade Unionism in the United States*, p. 29.
[2] *Ibid.*, chaps. 2, 3.

the most important at the time; pamphlets published officially; and, finally, the speeches and remarks of some of these same leaders, made to individuals, classes, public meetings, or to the public press.

Naturally, care must be exercised in accepting even resolutions passed at annual conventions as being entirely valid expressions of official policy. Unquestionably resolutions which are non-concurred in, are significant for the very reason that they are opposed to the policy of the Federation. The fact that resolutions are adopted does not in every case mean that they will be actively pushed by the legislative committee or by the other officers or members of the organization. Within the large mass of resolutions adopted as voicing sentiments approved or not disapproved by the membership, there is a small group of active demands that are considered by the organization to be really important. These are the most suggestive for this study, showing, as they do, the demands and activities considered significant by the Federation.[1]

It is necessary also to speak of the pamphlet material, to which references are made in this study. Much has been written about the American Federation of Labor, but in an attempt to arrive at what the organization itself really upholds or disapproves, it has seemed safest to confine references to material actually published by the organization and put out for educational or propagandist purposes. There is a wealth of such material, but the chief spokesman seems to have been the President of the Federation, Mr. Samuel Gompers. It is partly because he has been the president of the organization from its early years, and partly because he is one of its best spokesmen, that he occupies so much space in Federation publications. He

[1] Not all resolutions bearing on a subject are cited in the pages to follow, but only such as are required to indicate the point of view. A more complete list may be found in the *American Federation of Labor History, Encyclopedia, Reference Book*, published in 1919.

has written most of the editorials in the *American Federationist* since it was first published in 1894, and many of these editorials of his have been reprinted separately, forming a large part of the pamphlet literature of the organization. Even those who disagree with Mr. Gompers and wish to change the present policy of the organization admit his power. In consequence, he is quoted in the following discussion more frequently than any other person. In this connection it may also be added that the speeches and remarks of some of the leaders which have been valuable in clarifying the subject have been used mainly for the verification of material, the actual reference used being taken wherever possible from the publications of the organization.

To imply that the leaders of the trade-union movement are all fully conscious of their attitudes toward legislation and politics would be to attribute to them a rationality above that of most men. The average individual reacts more or less unconsciously to a particular situation and works out his philosophy and the reasons for his actions afterwards, and the trade unionist and his leaders are no exception.[1] In a study such as this, where an attempt is made to analyze the official reactions to the situation of the group together with the explanations of these reactions, the object is to arrive at the fundamental, though many times unexpressed and unconscious ideas, ideals, and feelings. Moreover, it is not alone an examination of the present attitude of the group that is important. It is essential to consider whether the official attitude has been fixed and unaltered from the beginning, or has changed. If there has been a change, the question is, can one discern a trend, a gradual working-out of a tendency on the part of the Federation — as, for example, either increasingly to employ legislative and political methods to gain the ends that to it are most important, or, distrusting these methods

[1] R. F. Hoxie: *Trade Unionism in the United States*, p. 34.

as means of securing what it desires, to rely more and more on extra-legal and extra-political measures, and to place emphasis more largely on collective bargaining.

In order to arrive at a conclusion concerning the attitude of the Federation in these matters, it is necessary to study special labor problems and the policies of the organization concerning specific questions, such as those involving wages, hours, general conditions of work, and union organization. It is essential in examining these questions to determine which conditions the Federation believes can best be remedied through legislative enactment, and which it prefers to deal with through the method of collective bargaining, i.e., by resort to strikes, boycotts, and other procedures.

The writer wishes to acknowledge special indebtedness to the late Professor Robert F. Hoxie, under whose guidance the study was begun in 1915, and to Professor Harry A. Millis, of the University of Chicago, under whose direction it was completed. Much gratitude is also due to Professor S. P. Breckinridge, of the University of Chicago, formerly Dean of the Chicago School of Civics and Philanthropy, for much criticism and assistance, particularly in the chapter on the law, and to Dr. William I. Thomas for help in the general plan. Miss Florence C. Thorne and Mr. John P. Frey, of the American Federation of Labor; Mr. Christian M. Madsen, former Socialist Representative to the Illinois State Legislature and member of the Farmer-Labor Party; and Dr. John Cummings, of the Federal Board for Vocational Education, have given many criticisms and suggestions. Miss Leona M. Powell, of the Bureau of Industrial Relations of the United Typothetæ, and Miss Helen R. Wright, formerly of the Research Department of the Chicago School of Civics and Philanthropy, have read the manuscript. The writer, however, must assume sole responsibility for the point of view.

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PART I

THE FUNCTION OF TRADE UNIONS IN A DEMOCRACY

LABOR AND POLITICS

CHAPTER I

THE FUNCTION OF TRADE UNIONS IN A DEMOCRACY

THE AMERICAN FEDERATION OF LABOR FACING A CRISIS

WITHIN the period of less than a decade, from about 1914 to 1921, the American Federation of Labor increased its membership from less than two million to more than double that number, with campaigns on for still further enlargement. During the war its counsel and coöperation were sought on every side. Unremitting labor was fundamentally essential to the winning of the conflict. The wastefulness of a high labor turnover and of an attitude of disaffection on the part of the worker became apparent under newly installed and more adequate cost-accounting systems. Wages soared, though not generally as fast as the cost of living, or as high. Labor was able to dictate terms to a degree never before possible in the history of the Federation. The President of the United States addressed one of the annual conventions of the Federation, and the President of the Federation was sought on all sides. Then came the slump in industry following the armistice, with reductions in wages and unemployment increasing to appalling proportions. Unions naturally sought to maintain wage rates. Strikes were frequent. Employers released from the pressure of war exigencies, in individual cases declared open warfare on the unions. The so-called "American Plan" movement for the establishment of the open shop gained adherents. In the place

of coöperation, welfare schemes for the worker, shop committees, talks of the democratization of industry, and higher wages for less work came in some instances the shutting down of plants in order, as was alleged, to rehire at lower rates, the workers thus thrown out of their jobs. Labor found it necessary to exert greater effort to hold jobs and necessary to increase production per man. More or less generally resentment developed against labor's presuming to "dictate" to management.

In such a crisis it is important to consider the function of trade unions in a state, particularly in a country such as our own governed in accordance with democratic principles. Under these conditions it is essential that an organization such as the American Federation of Labor be judged fairly in the light of its relations to the general public, to workers outside its membership, and to employers; essential that all the implications and possibilities of its program, and all achievements along the lines chosen be given careful consideration.

Its Time-honored Policies challenged

In pursuance of its policies for securing greater goods for its membership, the Federation frequently runs counter to the ideas, policies, and plans of employers, of the state, and of workers outside its ranks. Negotiations with employers may, it is true, be entirely peaceful, consisting in the matching of wits by men who sincerely respect each other, and they may even develop coöperative arrangements to better the entire industry. At other times, however, they approach nearly the state of industrial warfare, and in such instances, according to some observers, the employer is potentially the stronger. He has greater resources for the conflict, and he has only to sacrifice profits in the struggle, rather than the necessities of life. His fighting organization is smaller and more compact than that of the union, and there is therefore less danger of its

going to pieces under the stress. Also, the unemployed always constitute potential bidders for the jobs that union men leave vacant during a strike. The law, too, plays an important part in the activities of the organization. Injunctions may paralyze a strike at a critical period. Social legislation may promise benefits only to be declared unconstitutional. Public opinion though unorganized may exert pressure, preventing unions in a moment of power from freely exercising their power to their own advantage. Labor groups outside of the Federation constitute another factor shaping its policies, sometimes by their objections to the "job trust," sometimes by their competition as lower paid workers, and sometimes by their opposition to its program. Even within its own ranks there has been in evidence a growing unrest and "radicalism," quiescent during calm periods, but flaring up during times of prosperity to suggest ways of taking fuller advantage of labor's gains, and during times of depression to insist upon other methods of attack on the problems connected with labor.

The American Federation of Labor must take into account all of these factors in shaping its policies, and its ultimate success will depend largely upon its ability to work out a positive course of action with reference to them. The main outlines of its program should give a fair indication of its method of attack. It represents principally the business type of unionism. Of course, the Federation embraces examples of all the different sorts of unions, as classified functionally by Professor Hoxie; but the methods of the central organization are essentially those of the business type. In the program of such a labor organization the emphasis to be placed upon collective bargaining on the one hand and upon political activity on the other is a matter of fundamental importance not only from the standpoint of the efficacy of these two methods for the promotion of labor's welfare, but as well in consideration of society's best interests. Collective bargaining may lead to industrial

warfare, which like other warfare is bound to be harmful to those who engage in it, workers and employers, and perhaps even more blighting to society as a whole. On the other hand, labor's control of a strong political party is decried by many in this country as a form of socialism. Under these conditions an organization such as the American Federation of Labor, in its choice of weapons available to it affects the welfare not only of its own membership, but also that of workers outside its ranks, and of society, this welfare being in each case largely dependent upon the continuous production of essential goods under fair conditions.

The American Federation of Labor has asserted that its primary interest lies in collective bargaining, and that it will use political and legislative machinery only to advance the interests of groups unable to bargain collectively, or for the solution of problems which cannot be solved through direct economic methods. While desirous of putting its friends in positions of political power, and of securing the passage of advantageous bills, it prefers generally to keep out of reach of the law, and has sought to limit the enactment of further legislation concerning labor to problems for which no other way of solution can be proposed. The implication is that the law and legal machinery are slow, and are perhaps in any given case inoperative; that the passage of a law does not insure its enforcement; and that direct economic action is, in the long run, more swift and sure. Able-bodied men, who hope to gain by their own unaided efforts not only what the law would concede to them but much more, should not, it is felt, seek relief through legislation. Legal methods the Federation believes to be valuable for those who cannot take care of themselves. Some of its opponents, on the other hand, including socialists and other advocates of labor's independent political action, assert that economic methods lead only to industrial warfare, which will always result in

the defeat of labor, and that the only effective method lies in the control of the power of the government by a labor party, consisting of the workers and their friends.

The Modern Social Psychological Concept of the State

In this matter the writer is in agreement with the Federation that a political labor party would probably not be most effective in promoting the interests of labor. Non-partisan rather than partisan action would seem to be the wiser procedure. Small parties may serve to develop and crystallize public sentiment along certain lines, finally forcing issues into the regular party programs after a long period of agitation by the smaller groups. But such parties are usually short-lived. Non-partisan political activity may develop the effectiveness of small political parties without incurring the risks of party organization, and the Federation is more disposed to experiment along these lines because the combination of a strong labor organization and a strong labor party has not so far been worked out successfully in America. Such a combination might very well prove ineffective. Should unity for political purposes become dominant, organization for economic purposes must become secondary. Socialists contend that the fact that this has been the result in the past does not signify that it will be so in the future, since the American Federation of Labor now comprises a membership of almost five millions.

It may be suggested that there would seem to be dangers inherent in any program of political control of the country by any essentially non-political group, however important that group may be in society, and that no one element, — religious, industrial, or racial — should seek to dominate our political life. The state is not made up simply of workers and employers arrayed against each other, but of myriads of groups, with the individuals in them now arrayed together, now separated or even aligned against

each other in opposing groups. Interests in society are not unitary, as the Federation leaders have wisely recognized, and modern social psychology would seem to justify the methods of the Federation as those of wisdom. The modern concept of the state as composed of many groups, each making its own contribution to the whole, would seem to imply that the proper function of such a group as the Federation is to see its own problems and attempt to solve them by asking from the state the machinery to handle them wisely and justly, and by giving to the state in return the benefits of its efforts, — workmen who are better trained, more self-respecting, more intelligent citizens; increased goods because of its attempts to solve production problems; better relations between employer and employee with a constant diminution of industrial warfare; more continuous labor under better conditions, with better remuneration for all workers in the country and not simply for Federation members. Clearly this cannot all be effected by labor organizations alone. Even more should be done by and required of employers, because they are in positions of greater security and power.

Non-Partisan Political Action and Collective Bargaining

Unwillingness to endorse political party action on the part of the American Federation of Labor implies acceptance of the alternative, — a program combining non-partisan political activity with the economic method of collective bargaining. No valid criticism can be raised against the use of this method by labor, though at times employers and many of the general public have raised objections. It is not per se a method of gouging the employer or of taking away from him the control of his business, but a means of determining the value of an item or commodity entirely comparable to methods employed in determining other values. Some of the factors involved are the skill of

both sides in dickering, the scarcity of the commodity offered, the significance of the deal to both parties, and custom. The American Federation of Labor, however, strongly opposes the consideration of labor as a commodity. Other factors enter into the wage rate. These include justice to the worker, a living wage, and profits to the industry. Both sides cloud the issue by injecting into it other elements, or using arguments which are valid for some conditions in connection with others where they are less applicable. The reasons for a living wage are not the same as the demands for higher rates by groups which control the market for a particular kind of skill. On the other hand, the protests of the employer against interference so great that it may damage the business are far different from arguments against a wage sufficient to keep the workers decently above the margin of subsistence, or a fair division of the returns of industry.

Collective bargaining implies simply that the workers as a group rather than as individuals discuss with the employer or group of employers the terms under which they wish to be hired. Many mistakes are and have been committed by trade unionists that are detrimental to their cause. These should, however, be clearly separated from the principle of collective bargaining, which is a straight business proposition, comparable to the employer's efforts to buy materials at the best price possible, to find the highest market for his product, or to form associations for the collection of trade news, for mutual benefit in time of labor difficulty, or for other purposes.

The trade union movement in the United States is built largely on labor's understanding of the value of collective bargaining. Reputable people who find nothing but cause for censure in the trade union movement should remember that unionism is the result of industrial conditions having both economic and social consequences. It is, in other words, itself a product. Opposition to unionism, therefore,

should carry one to the problem of the abolition of its cause. Attempts of this sort have been made. Factory clubs, welfare work, bonus schemes, and "company unions," however, do not supplant unionism to any great degree because they do not touch the underlying causes of unionism.

Criticism of Trade Unionism

Unionism is not, generally speaking, the product of the activities of a few leaders, but rather of conditions which the leaders undertake to help the workers to remedy. It is a fair inference that something must be wrong in an industrial situation if a few leaders can easily persuade labor to quit work and fight an employer. Ranged against industrial conflict are the desire for the security of a permanent job, and the pressure of the worker's family responsibilities. Where labor is so unstable as to be easily led by a handful of leaders questions may well be raised as to why it is so. It must be remembered, also, that union restrictions may even, at times, be efforts to force greater efficiency on the employer, so that he may not penalize workers for his own failure to provide adequate equipment or materials to keep them busy.

It would be quite unfair to assume that the demand for higher wages is the result of sheer greed or that the movement for shorter hours is an evidence of sheer laziness. In modern industry great emphasis is put on speed and quantity, and the worker as well as his employer must measure his work quantitatively. This quantitative measurement which may appear somewhat disregardful of service is certainly not altogether inconsistent with the modern spirit in industry.

While industry must be held in some degree responsible for what may be called the bad elements in unionism, it is, of course, not necessarily the individual employer, the one who pays the cost of strained industrial relations, who is

to be held accountable in any given case. He may very well be under pressure of social conditions over which he has little control. Particularly, it may be noted, industry is to-day paying the cost of the unenlightened labor policies of the past,—of the old laissez-faire belief and practice. The broadminded and generous employer may have many discouraging returns for his pains, but it is not strange that labor's suspicions, once thoroughly aroused, are not easily allayed.

When the worker deliberately goes slowly to make work last longer or to obey the rules of his union, society cannot approve of such procedure, but limitation of output and waste of effort are not peculiar characteristics of unionism. It is significant that the recent engineers' report on *Waste in Industry* which shows the amount and percentage of waste chargeable to labor and that assayed against management for six industries, gives the percentage of waste due to management as ranging from 50 to 81 per cent, with an arithmetic average of 68 per cent; that due to labor as ranging from 9 to 28 per cent, with an arithmetic average of 16 per cent; and that attributable to outside contacts, the public, trade relationships, etc., as ranging from 9 to 40 per cent, with an arithmetic average of 16 per cent. The report states conservatively that over 50 per cent of the responsibility for these wastes can be placed at the door of management and less than 25 per cent at the door of labor. Those, therefore, who resent the laziness of labor and the wastes in industry due to its inefficiency, unwillingness to work, or lack of intelligence on the job should realize that their conclusions and criticisms are applicable also to management and to capital.

On the other hand, the inefficiency of some employers and their willingness to practice sabotage on the public do not condone the same tactics on the part of their employees. Labor should be careful not to lay itself and the workers of future generations open to the same criticisms that have

been made of management and of capital. Limitation of the output is certainly inconsistent with the highest type of strictly business unionism.

Again, in the matter of union dictation to management, it is to be noted that the workers' interest in management is entirely consistent with efficiency of direction and control. It is entirely consistent with the careful planning of a general production program, the careful working out of a manufacturing schedule, the development of an adequate cost-accounting system, attention to the handling of stores, the working out of sales methods in line with the best known policies of to-day, and the balancing of sales and production. These are the primal elements in business management, and labor does not presume to dictate in these matters.

As to labor leaders and their relation to the workers on the job, it is probably true that instances in which labor leaders have pointed out to employers better production methods have been as numerous as cases of rule-or-ruin dictation inspired by an overdeveloped sense of importance. The greater ventilation of the rule-or-ruin instances illustrates a tendency for the public to accept as typical the merely spectacular, which is generally the unusual. Unionism, including its types of leadership, is as protean, complex, and diverse in its aspects as life itself.

In American unionism as in American political life, leaders are elected and then followed throughout the period of their terms, sometimes grumblingly, but with more or less docility. When they have gotten into the saddle, they are not easily unseated. They develop prestige and a knowledge of methods useful in securing their reëlection, as well as trade knowledge and experience in bargaining with employers. If a union leader is unscrupulous and desirous of too much power, a constructive policy for the employer to follow would be not to fight the union, not to try to substitute a "company union," but to help to develop

and to bring into power leaders of the right sort, not sycophants, but real leaders in the union movement, who can see increasingly greater scope for constructive activity in place of industrial warfare and can educate their membership to such a view.

Problems Faced by Workers and by Industry

Judgment of union activities should be preceded by an understanding of what labor is seeking to attain. Roughly it may be suggested that the worker is desirous of better conditions of living and of working and generally of an improved social status. Capital has vested interests which the public accepts, more or less, because they are established. One of the insistent demands of labor to-day is for a property right in the job. We need not dwell, for the purpose of the immediate discussion, upon the correlative duty to perform service, provided the property right to the job is granted. There are still so many preliminary steps to be taken in the direction of making employment possible for all workers for a minimum number of full working days during the year, that the question as to what labor should do under conditions of assured continuous employment must be regarded as being purely academic at the present time.

It is significant that unemployment, which is unquestionably one of the most serious evils affecting labor in our industrial system, is being attributed more and more to inefficiency in the management of industry, inefficiency that costs the country millions each year in idle men, idle machines, idle factories, and idle power. Clearly slackening up on the job is not a way of avoiding this evil. It is in fact only one form of the evil itself — one form of idleness or unemployment, a meeting of inefficiency with inefficiency. However, the wise rôle for the public to play at the present time would seem to be not that of berating labor or, indeed, that of berating any one. The remedy is to be

found in working out and enforcing better standards of efficiency in production and distribution. Studies should be made of financial fluctuations and such pressure as may be should be brought to bear to decrease the swing of these fluctuations. Better control of these factors would go far to eliminate unemployment. Only under conditions of fairly assured employment can we expect labor to be enthusiastic about increasing production.

One of labor's principal fears, that of industrial accident, is being partially eliminated through the pressure of workmen's compensation laws upon the manufacturer. Safety devices and safety movements lessen the cost of compensation and the rates of accident insurance. Lives may still be cheaper in some industries than the installation of safety machinery, but steady progress is being made in this field largely through the development of workmen's compensation legislation, and partly, in recent years, because cost accounting systems are bringing to the realization of the managers of industry the high expense of industrial accidents, measured in time lost, deterioration of morale, slacking up of work through fear, etc.

More adequate protection of man power, productive capacity, and industrial skill is being persistently demanded of our industrial and financial system. It is being more generally conceded that industry is logically bound to protect those who invest their careers in it. Nevertheless even in the case of workmen's compensation, where the theory of the assumption by the industry of the cost of accidents occurring in the course of employment has been accepted, the engineers' report on *Waste in Industry* shows that about two-thirds of the cost of accidents is borne by the worker.

One reason for the worker's interest in his union undoubtedly is the improvement in his personal status derived from the power of the union. This effect of unionism is entirely in the public interest in so far as it tends to

make the worker more self-respecting. Self-respect is one factor in economic as well as in social efficiency, and it certainly does not necessarily imply loafing on the job or perpetual industrial warfare. These procedures were perhaps more effective in the early days of the American Federation of Labor, when the public may have been heedless of labor's legitimate demands until in any given case the flow of some essential commodity was curtailed. The public is still probably having the labor problem that it deserves. Strikes and labor disputes can usually be foreseen months in advance and frequently can be averted. However, labor organizations should realize that the ruthless exercise of power tends to make the public fearful of granting them privileges which might place the consumer still further at their mercy.

Steps toward the Diminution of Industrial Warfare

At the present time, there seem to be several types of approach toward a better understanding and control of the factors that make for industrial strife. The first is interest in efficiency in industry. The scientific management movement is endorsed, but little understood, by the majority of industrial executives. It is not primarily a method for speeding up the worker. Its most important functions at the present time do not consist in the making of job analyses and time studies, but in scientific control of the more fundamental factors. Attention to the general scheme of organization of the business, the efficient lay-out of the plant, the scientific planning of the production schedule, the maintenance of balance between production and sales, careful cost accounting, adequate stores handling, and an up-to-date marketing policy will net far greater savings in the average plant with much less friction than meticulous attention to minor individual efficiencies of workers. Emphasis on these problems in individual businesses should

direct attention to a consideration of the important savings possible throughout an entire industry. It is the exploitation of management in industry rather than of labor that promises greatest returns for some time to come and the solution of some of its most difficult problems. Instead of opposing scientific management, therefore, because of mistakes in the past, the writer believes that labor organizations should press upon managers and technical experts the needs and opportunities in this field.

Another step toward a better understanding and control of the factors making for industrial strife is taken in the development of agencies for securing a fairer statement of labor's problems and points of view. Notable gains have been made along these lines by some unions and employers who, for years, have operated under trade agreements. Progress in this direction is manifested also in the installation of shop committees in plants. Where an employer cannot establish contact with a well-organized union under intelligent and honest leaders such committees are beneficial. In so far as they are organized in an attempt to displace unionism, the effort is bound to encounter difficulties. The essential difference between the shop committee in an unorganized establishment and the trade union is that the workmen in the latter case have leaders to speak for them who are not on the pay-roll of the employer. This is a highly important distinction, for, while there are of course individual exceptions, it is true frequently that leaders of shop committees within plants are disposed to yield easily to the suggestions, wishes, or dictates of the management for fear of losing their jobs. The development of trade agreements in industry is proceeding slowly, as it requires a strongly organized and disciplined union with honest and capable leaders as well as the employer's decision to try the arrangement. It takes time to develop leaders on both sides who are capable of handling the problems that arise. Moreover, the combination of democracy

and efficiency is difficult of attainment in industry as in politics.

Still another development making for industrial peace is found in the movement to create impartial boards for investigating and particularly for the continuous study of the elements in industry tending toward strife. The attempt through investigation and publicity to build up an enlightened public opinion, capable of foreseeing industrial disputes and of dealing with them before they arise or, when they occur, of settling them on the basis of a body of accurate and fairly unbiased data is full of promise. Social pressure should be exerted to enforce the perfection of agencies for the continuous study of labor and industrial conditions, since the public cannot expect much consideration in industrial disputes unless it is able to make intelligent suggestions. At present, when a conflict arises, the more discerning leaders in public life have frequently to admit that they have no precise knowledge of the conditions. We have been having excellent cost studies and the splendid study made by the engineers of the efficiency of several important industries. But we do not know the fundamental facts as regards many other important aspects of the problem, or as regards the efficiency or inefficiency of industry in general. Only scant data are available for determining what factors enter into the final cost of the goods, whether profits are reasonable and on what items they are made, and what an increase or decrease of wages would actually mean in the price of a commodity. During a time of dispute assertions are made and denied, and generally cannot be verified in the heat of the controversy. In large measure the systematic collection and dissemination of such information will guarantee more fair adjustments of labor controversies.

Hope for the future would seem to lie in making progress along the lines indicated rather than in industrial warfare. This progress can come only through the active interest

of all groups concerned. Humanitarian social legislation is found to develop in industry new efficiencies. Child labor is found to be unprofitable. Long hours do not in fact pay. Industrial accidents are shown to be expensive. Labor turnover is costly. Unemployment is symptomatic of inefficiencies in our industrial and financial system. Labor unrest, too, is the result of causes that can be traced back ultimately in many instances to inefficiency on the part of the individual employer, the industry as a whole, or our financial structure. Perhaps beyond these there are conflicts of interest between labor and capital which are irreconcilable, conflicts over the ultimate division of the product; but the time to consider these is after the adjustments in which the interests of labor and capital are in fact harmonious have been worked out.

Criticisms of the Federation's Policy

Industrial warfare clearly does not propose any final solution of the intricate and perplexing labor problems that confront us to-day. Labor and capital must, it would seem, devise other means of adjusting their differences, and since this is a study of the American Federation of Labor, it may be well to analyze briefly the program of that organization to determine, so far as possible, how much responsibility for a more constructive policy can fairly be laid upon it. Collective bargaining does not appear to be an adequate program. The strike, its final weapon, is not a "highly civilized method" of protesting, but is rather essentially a form of violence that is symptomatic of our failure to provide social machinery and effective social ideals. When the avowed issue of every strike won by labor was oppression and unfair treatment of labor, strikes could be generally justified. To-day, however, the most needy groups are not the ones most likely to win strikes. Rather it is the strong and powerful, strategically situated unions that are most certain to succeed. It may be noted

further that some portion of the cost of strikes won by the more powerful unions must be added to the expenses of living of the public, including the more poorly paid wage groups. Finally the logic of successful strikes presses back to the argument for organization of every group in society for possible conflict with other groups. This leads to a laissez-faire, survival of the fittest philosophy for groups, a philosophy as fallacious for groups as it has been proven to be for individuals. Under present conditions the effectiveness of collective bargaining is often conditioned upon the fact that numerically large groups are not organized. In the past, labor has been under the necessity of demonstrating that it could not be disregarded, and collective bargaining was a logical method. No criticism of this method to-day can blind one to the dangers which the worker would certainly incur under any system of individual bargaining. But now that the American Federation of Labor has grown powerful it would seem that it ought in coöperation with other agencies to develop what may be inherently implied in collective bargaining, some further technique of equitable adjustment of labor difficulties, — a technique consistent with full efficiency in production and service to society. Proposal of a socially constructive program is implied in its demand for freedom to work out any program whatever without interference.

Responsibilities are correlatives of rights, and the public may fairly demand proof that good rather than evil will come of granting any particular privilege to a labor organization, even when the needs of the individual workers are obvious and urgent. It may fairly be asked what use a powerful group such as the American Federation of Labor will make of its rights. Suppose further that certain correlations of these rights clash with the desire for freedom? If, for example, a property right to the job is conceded, what sort of obligation will the worker be under to remain on the job?

Labor has insisted that the state shall not mix in economic controversies. It has, nevertheless, demanded certain safeguards of the state, and many outside the ranks of labor unions appreciate the worker's need for such safeguards. The policy of the Federation as regards legislation has been, it may be suggested, negative rather than constructive. Undoubtedly certain types of labor controversies are essentially extra-judicial, since judges may not fairly be presumed to have any special understanding of the problems and issues which are essentially industrial rather than political or legal. The use in labor disputes of legal machinery built up for other purposes,— built up, as it is often alleged, in the middle ages, for the protection of private property and for the defense of the government in power from political conspiracy,— is felt to be illogical and often to work injustice, and causes the worker to lose confidence in the law as a whole. An impression of bias on the part of the courts impairs confidence in their dispensation of justice. The discussion of motive by members of the legal profession who, it is felt, are professionally unable to understand the motives actuating men to strike or the mental processes underlying labor infractions generally is well calculated to create an impression of deliberate rather than unconscious bias. The Federation's program of providing a judiciary composed of men who understand labor's problems and motives may be unreservedly approved, provided it is linked with a constructive political program. Mere cynicism, which accepts the present situation without trying to change it fundamentally, which seeks simply to secure the appointment of friends who will employ the same tactics against other groups that, it is alleged, have been employed against labor is not sufficient. Such a plan is not constructive and it will not win the adherence of those who believe in public honesty. One prime function of the American Federation of Labor must be to educate the general public, including lawyers and judges, as regards

the reasons for its organization and the problems of its membership. No organization of its dimensions can as a matter of permanent policy stand apart, declaring that it alone understands the needs and aspirations of labor. In so far as those needs and aspirations are consistent with public policy, making them known would be a sure way of appealing to the understanding, sympathy, and support of others in society besides organized workers.

The need is for a positive conception of the state which will see labor organizations as one of the many types of groups functioning socially. Each social group expresses and serves some one or more of the interests of the individuals composing it. Recognition and equitable adjustment of these interests should be one principal end and aim of our political life to-day. The experience of trade unions in gaining the coöperation of men of diverse views should be of great value to the state in making such adjustments.

Of course, employers as well as labor organizations function under this philosophy. The attitude of both sides during a labor controversy is apt to be disregardful of public interests and uncompromising, the right of society to continuous services being more or less ignored, and the consumer being left to play the rôle of a helpless onlooker until one side or the other weakens and seeks public support as a last resort.

Further, it must be insisted that a negative attitude toward economic and social theorists, toward research, and toward higher education generally is an unsound and futile policy. Instead of condemning economists as a class because capital has justified certain of its acts by quoting the classicists, it would be fairer to recognize that not all economists are hidebound followers of Adam Smith, and that economists as a class would welcome a friendly interchange of ideas. It should not be assumed that they are incapable of understanding the needs of labor or the

reasons for its program. Stand-offishness, an attitude of superiority in the knowledge of life, and an unwillingness to accept suggestions are barren soil for the growth of intelligent sympathy. Aloofness on the part of labor has made difficult the path of some who have been sincerely interested in the problems which the worker faces, and who have not assumed an attitude of philanthropy or of superiority toward labor. Their interest in solving the problems of society, which touch them as nearly as the worker, has been genuine. Labor should not on its side develop an inferiority complex.

In the interest of the workers themselves it would seem that one principal aim of a trade union organization should be to develop a discipline for its members of such a character that intelligent employers will prefer a union to a non-union man. In some trades the union man is generally recognized as being more intelligent, a better worker, more efficient, more adaptable in transfers from one job to another, better satisfied with his job, and more disposed to stay on the job than the non-union employee, and it may be suggested that the Federation should exert every effort to develop these qualities in its entire membership. Moreover, the union can unquestionably render service to the employer and win his loyalty and support by functioning as an agency of control in matters of employment and discipline of labor. Here again any negative policy of reducing the best workers to the dead level of mediocrity in order to take care of the less efficient is bound to defeat its own purposes. To convince an employer of the value of collective bargaining a union must demonstrate its capacity to supply a better and more dependable quality of labor. Some unions give this service to the employer, but in other cases limitation of the output, jurisdictional disputes, and other practices of no advantage to the worker alienate employers who are disposed to accept the principle of collective bargaining. A constructive policy of

standing up as strong men beside the employer, not to fight, but to produce would seem to be the logical development for the future.

Finally, as regards admission to membership, the policy of the Federation must appear to workers outside its ranks to be in effect somewhat restrictive and again, negative. It professes to take in women, immigrants, negroes, and the unskilled on equal terms, and to speak for labor as a whole, but it is difficult to reconcile these professions with requirements of unduly long apprenticeships, and high initiation fees. Of course, these groups are troublesome at times. They are more difficult to organize, or to keep in line, once they have been admitted to the unions. They are not disciplined to coöperate effectively. They do, however, constitute a menace to the organization. They compete with the union worker. They furnish substitutes for him in times of industrial disputes. Under conditions of underemployment, intermittent employment, or long-continued unemployment, they furnish a fringe of labor which is a constant drag on the industrial and social system. Often they become helpless and hopeless. If they do try to organize and protest, their strikes are often violent and usually futile outbreaks against the conditions under which they labor. Thus they cast discredit on the whole union movement. Too rapid expansion of organization is, of course, unwise; but so, also, is too great conservatism.

These suggestions are not intended as criticisms of past policies of the Federation, but are made rather with the future in mind. Lack of foresight, it may be noted, and of constructive vision on the part of employers and of the general public have been quite as much in evidence as on the part of labor. Since interest is here centered on the Federation, however, it is to that body that attention is directed. The writer believes that the Federation must develop constructive in place of its negative policies as regards legislation, research and higher education, and

production, and that its progress in the future depends upon positive contributions to the welfare not only of its members, but as well of those outside its ranks, of industry, and of the state.

PART II

HISTORY AND PROGRAM OF THE FEDERATION

CHAPTER II

HISTORY OF THE FEDERATION'S ATTITUDE TOWARD LEGISLATION AND POLITICS

Through the entire history of the labor movement in the United States, the attitude of the workers' organizations toward legislation has been a matter of profound importance. Politics have been the blessing and the curse of the American labor movement. They have been a mirage toward which many organizations have rushed to their destruction. On the other hand, they have, at times, netted the worker significant gains. One great problem of American labor is how to use this tool of legislative and political action wisely. The American Federation of Labor has gradually, throughout its history of over forty years, worked out a policy toward the use of legislation and politics. It is of interest to the student to examine this policy in its historic and present-day aspects to determine, if possible, the part of wisdom in the use of governmental machinery by a labor group. Such an analysis, moreover, may be significant not only for labor, but as well with reference to the determination of political policies in the case of other large groups within the state, defining the relation of the state to such bodies, and their relation to the state.

The Federation and the Knights of Labor

The history of the American Federation of Labor has shown a significant development in the attitude of that organization toward securing its demands and desires through legislative and political activity. The Federation of Organized Trade and Labor Unions of the United States and Canada was first convened in Pittsburgh in

1881. It was known by this name until, in 1886, that body was completely reorganized[1] and the name, "American Federation of Labor" substituted. The demand for a federation of trades and labor unions grew out of the fact that the Knights of Labor did not meet the needs of the large groups of workers of the country, who were interested in craft rather than labor unionism, and in the more strictly economic problems confronting the craft groups rather than in the more general "uplift" program stressed by the Knights. The Knights' organization was too centralized and autocratic in character to satisfy the demand for national federation along craft lines,[2] which would preserve trade autonomy and at the same time combine the forces of the craft groups.

The call for the Pittsburgh convention of the Federation read as follows:

We have numberless trades' unions, trades' assemblies or councils, Knights of Labor, and various other local, national, and international labor unions, all engaged in the noble task of elevating and improving the conditions of the working classes. But great as has been the work done by these bodies, there is

[1] It was not until several years after 1886 that the American Federation of Labor decided to trace its origin back to 1881 instead of to the later date. The earlier group, however, had many of the same leaders as the later one, including Mr. Gompers.

[2] "The Knights of Labor began as an organization of trades. . . . The fundamental thought of the Knights, however, was that of the unity of interest of all productive workers. This unity of interest was felt to require a unified control of their organization. All the representative bodies above the local assembly were at first established on a territorial basis. It was not until after the Federation of Trades and Labor Unions had been formed — some 12 years after the foundation of the Knights — that the Knights established their first national trade assembly. Even among the local assemblies the union of all sorts of workers in one body was a normal proceeding, and such mixed assemblies had an importance incomparably greater than that of the federal labor unions which the Federation has established. . . . The Federation is based . . . upon the idea that the interests of all will be best served if each trade looks out in the first place for its own interests. Its fundamental principle is trade autonomy." *Report* of the United States Industrial Commission, 1901, vol. XVII, p. 37.

vastly more that can be done by a combination of all these organizations in a "federation of trades" and labor unions.[1]

One hundred and seven delegates attended this first convention of the Federation, of whom forty-eight represented neighboring Knights of Labor Assemblies in Pennsylvania, the others representing craft unions from more distant places.

The manifesto issued at the second convention held in Cleveland in 1882 contained the following declaration:

> We favor this Federation because it is the most natural and assimilative form of bringing the trades' and labor unions together. It preserves the industrial autonomy and distinctive character of each trade and labor union, and, without doing violence to their faith and traditions, blends them all in one harmonious whole — a "federation of trades" and labor unions.[2]

Mr. William Trant in his account of Trade Unions sums up the program of amalgamation in this early period as follows:

> Knights of Labor Assemblies and trades' unions were equally represented, and it was thoroughly understood that the trades' unionists should preserve their form of organization and the Knights of Labor should maintain theirs, and that the two should work hand in hand for the thorough amalgamation of the working classes under one of these two heads, and that they should use every legitimate means to offset any movement designed to create any more fragments or divisions in the labor army.[3]

The demand for a federation of craft unions had arisen as a result of the form of organization and fundamental aims of the Knights of Labor, and not because of any substantial difference of belief among the members of the two organizations in regard to a legislative program or to political action. The new Federation of Organized Trade and

[1] Wm. Trant: *Trade Unions, Their Origin and Objects, Influence and Efficacy*. Published by the American Federation of Labor, pp. 39, 40.
[2] *Ibid.*, pp. 40, 41. [3] *Ibid.*, p. 40.

Labor Unions of the United States and Canada adopted almost in its entirety the program, including the political platform, of the Knights of Labor. At the first convention in Pittsburgh, thirteen measures of a political character were adopted. These included the demand for the incorporation of unions;[1] and the endorsement of the following measures: compulsory education of children, the abolition of child labor, the passage of uniform apprenticeship laws, the enforcement of the eight-hour day for Federal employees, the restriction of contract prison labor, the abandonment of the store-order system, a first lien on business property for the payment of wages, the repeal of the conspiracy laws against organized labor, the establishment of a bureau of labor statistics, the continuance of the protective tariff for American industry, the enactment of a national law to prevent the importation of labor under contract, and provision for the representation of organized labor in all lawmaking bodies. Supplementary resolutions were added demanding the restriction of Chinese immigration, the licensing of stationary engineers, governmental inspection of factories and workshops, the sanitary supervision of food and wells, and an employers' liability law.[2] Greenbackism alone, of the major planks in the platform of the Knights, was omitted from the first program of the Federation.

[1] The first plank in the Platform of the first convention of the Federation read, "An organization of workingmen into what is known as a Trades' or Labor Union should have the right to the protection of their property in like manner as the property of all other persons and societies, and to accomplish this purpose we insist upon the passage of laws in the State Legislatures and in Congress for the incorporation of Trades' Unions and similar labor organizations." Federation of Organized Trade and Labor Unions of the United States and Canada: *Convention Proceedings*, 1881, p. 3.

[2] Federation of Organized Trade and Labor Unions of the United States and Canada: *Convention Proceedings*, 1881, pp. 3, 4.

The Federation Changes its Emphasis to Economic Methods

Several occurrences, however, early caused a change in the political and legislative program of the new federation. Almost from the very beginning, hostility developed between the two movements.[1] In the manifesto of the second convention of the Federation, is included the statement that that body

> looks to the organization of the working classes as workers, and not as . . . politicians. It makes the qualities of a man as a worker the only test of fitness, and sets up no political or religious test of membership. It strives for the unification of all labor, not by straining at an enforced union of diverse thought and widely separated methods, not by prescribing a uniform plan of organization, regardless of their experience or interests, not by antagonizing or destroying existing organizations, but by preserving all that is integral or good in them and by widening their scope so that each, without destroying their individual character, may act together in all that concerns them. The open trades' unions, national and international, can and ought to work side by side with the Knights of Labor, and this would be the case were it not for men either over-zealous or ambitious, who busy themselves in attempting the destruction of existing unions to serve their own whims and mad iconoclasm. This should cease and each should understand its proper place and work in that sphere, and if they desire to come under one head or affiliate their affairs, then let all trades' and labor societies, secret or public, be represented in the Federation of Trades' and Labor Unions.[2]

Friction with the Knights

The friction thus early manifested between the two bodies continued and increased. In 1886, attempts were made by the officers of the American Federation of Labor

[1] For a discussion of the conflict between the Knights and the Federation see the United States Industrial Commission *Report* of 1901, vol. XVII, pp. 37–41.

[2] Wm. Trant: *Trade Unions, Their Origin and Objects, Influence and Efficacy*, p. 41.

and those of the General Assembly of the Knights of Labor to bring about harmony between the two organizations.[1] An official publication of the American Federation of Labor states that,

> The Trades' Unions objected to the admission to the Knights of Labor of members who had been suspended, expelled, or rejected for cause by their own organization; they opposed the formation of Knights of Labor assemblies in trades already thoroughly organized in trades' unions, and complained of the use of Knights of Labor trade-marks or labels in competition with their own labels, notably so in the case of the Cigar Makers' International Union. The trades' union chiefs presented a mass of grievances, showing where their local unions had been tampered with by Knights of Labor organizers, where movements had been made to disrupt them, and where, in cases where such disruption could not be effected, antagonistic organizations were formed by the Knights. The General Assembly, however, . . . administered to the Federation a slap in the face, as the latter understood it, by passing a resolution compelling the members of Cigar Makers' International Union connected with the Knights of Labor, to withdraw from the order.[2]

This feeling grew increasingly bitter until the Knights of Labor became too weak to be considered as a rival by the Federation.[3]

The Haymarket Riot

Another disturbing incident, occurring in its early history, which turned the attention of the Federation toward

[1] American Federation of Labor: *Convention Proceedings*, 1886, pp. 9, 19, 20.

[2] Wm. Trant: *Trade Unions, Their Origin and Objects, Influence and Efficacy*, p. 42.

[3] As illustration of the bitterness toward the Knights, the convention of the Federation in 1894 declared, "The A. F. of L. holds itself at all times in readiness to meet with sincere men in the reform movement, but it refuses to meet the K. of L. as at present constituted, and until that body recognizes the principle of trade autonomy and ceases to encourage dual authority in any one trade." In 1896 the Federation changed its constitution to prevent central bodies from admitting delegates from any organization owing allegiance to a body hostile to the A. F. of L. American Federation of Labor: *Convention Proceedings*, 1894, p. 59; 1896, p. 70.

a program radically different from that of the Knights, was connected with the attempt to launch the eight-hour day. In 1884, the Federation declared for the introduction of the eight-hour workday on May 1, 1886. In connection with labor's activities to bring this to pass, the Haymarket Riot occurred in Chicago on May 2 and 3, 1886. The Federation repudiated the Anarchists who caused the riot. It averred that these Anarchists,

> members of the International Workingmen's party, who had hitherto violently opposed the eight-hour movement and condemned it on every occasion, now seized upon it as an instrument, it is believed, to further their propaganda, and the mildest of their agitators became prominent in their attendance at the eight-hour meetings.[1]

In spite of the Federation's protests of innocence, the affair, "gave the eight-hour day a severe blow and setback. . . . The eight-hour movement as such was destroyed for the time being."[2] Thenceforth, the Federation worked for this measure by supporting individual craft organizations in their efforts to secure shorter hours, rather than by suggesting a mass movement of its membership.

Failure of Labor's Political Campaigns of the Eighties

Still again, in the early history of the American Federation of Labor, various local labor groups undertook political campaigns, organizing political parties in Chicago,

[1] Wm. Trant: *Trade Unions, Their Origin and Objects, Influence and Efficacy*, p. 41.

[2] Samuel Gompers: *Should a Political Labor Party be Formed?* p. 6.

The Executive Committee of the Federation, however, reported, that year, "While we are not able to record the general adoption of eight hours (with the exception of two or three industries and some of the building trades in certain localities) we nevertheless claim the eight-hour agitation was the means of reducing the daily working time of no less than 200,000 workers. . . . The tremendous advantages obtained are plainly apparent. . . . Sufficient has been gained for an incentive to renewed efforts." American Federation of Labor: *Convention Proceedings*, 1886, p. 9.

Milwaukee, St. Louis, Boston, and New York. The Central Labor Union of New York City, affiliated not with the Federation, but with the Knights, launched a campaign which nominated Henry George for Mayor. He received 68,000 votes, thereby running a close second to the successful candidate.[1] Samuel Gompers was active in this movement. "It was my privilege," he stated, years afterwards, "to enter into that campaign with the men . . . who were active at the time."[2] As a result of these successes, the organization decided to urge "a most generous support to the independent political movement of the workingmen."[3] The Progressive Labor Party was, therefore, formed. The Federation leaders claim that those outside of the labor movement in the Party dominated its policies, with disastrous results. Its fate was depicted as follows:

> They admitted to membership not only the men of organized labor but what had popularly been called by a great many the "brain with brawn" or "brain with labor." The campaign was carried on with such scandalous results, that nearly all the men of labor who had some self-respect had to hold themselves in the background for fear that they might be besmirched with the incidents which occurred in that campaign.

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[1] Samuel Gompers: *Should a Political Labor Party be Formed?* p. 6.

[2] *Ibid.*

[3] "Whereas, This subject is one which in the past has been a prolific source of discussion and trouble in the ranks of the workingmen; but happily the revolution recently witnessed in the election contest in several states, notably, the remarkable and extraordinary demonstration made by the workingmen of New York, Milwaukee, Chicago and other places, shows us the time has now arrived when the working people should decide upon the necessity of united action, as citizens at the ballot box,

"Whereas, The necessity of this is apparent from the subjection of the police power to the interests of corporate capital, in enforcing upon their employees conditions repulsive to free labor and liberty, and if the nefarious work of the Pinkerton detective agency is to be stopped, the workers must secure a greater share of political power, therefore be it

"Resolved, That the Convention urge a most generous support to the independent political movement of the workingmen." Resolution adopted, American Federation of Labor: *Convention Proceedings*, 1886, p. 16.

A man, an extremely rich man, in business in the city of New York at the time, was induced to become the candidate for Mayor as the representative of labor . . . [He] had . . . wonderful experience in financial transactions of which he was not entirely and fully aware until it was all over. . . . There was a popular phrase which came into effect right at that time, " Wass ist loos mit C —— [the candidate]." [1]

Thus did Mr. Gompers later record a deeply humiliating experience which had a marked effect on the leaders of the Federation, making them loath ever again to attempt political action.

As a result of all of these occurrences, the American Federation of Labor began to repudiate a political program. It refrained from attempting to bring about the eight-hour day, or other measures desired, by sudden or widespread methods. The political program became secondary to craft-union activity. The Federation turned to the slow but sure process of gaining its demands, little by little, through collective bargaining on the part of the individual unions, backed by such aid and comfort as the Federation could give them. These gains were less spectacular, but were sufficient to give encouragement to the unions, which employed the economic tactics.

The Radical Movements of the Nineties

Then came the radical labor and Socialist movement of the nineties. The American Railway Union, the Socialist Trades and Labor Alliance, the Socialist Party, and the Western Federation of Miners all attempted to influence, gain control of, split into factions, or withdraw from the American Federation of Labor. The beginning of this activity has been described as follows in an official publication of the Federation:

The first battle royal in a convention of the American Federation of Labor between the defenders of the established trade union policy of the American wage-earners organized by trades

[1] Samuel Gompers: *Should a Political Labor Party be Formed?* p. 7.

or callings and the advocates of substituting for that policy the European system of an industrial unionism secondary to the political aims of a Socialist Labor Party took place at Detroit in 1890, at the tenth annual convention. On both sides the preparations for the contest had been lively during the six months previous. The Socialists throughout the country had strained every nerve to send to the convention union delegates who were also Socialists. The Socialist newspapers and the craft organs of the two or three national unions having socialist majorities had without cease made. . . appeals to the organized workingmen to extend the operations of the Federation into the political field and take up with the platform of the Socialists.

The question on which the debate turned at the convention was on the acceptance of credentials presented by Lucien Sanial, one of the editors of the Socialist *Volkszeitung*, as a delegate, with one vote, from the Central Labor Federation of New York City.[1]

The Central Labor Union of New York City, being largely composed of Socialists, had surrendered its charter to the American Federation of Labor and was desirous of being received again into the organization although one of its units was a local of the Socialist Labor Party rather than a bona fide trade union local. "Much of the time and most of the interest of the first and second days' sessions were taken up by speeches on the subject."[2] The Committee on Credentials recommended that the credentials of Lucien Sanial be returned. It declared,

> We cannot logically admit the Socialist Labor Party to representation and shut the door in the face of other political organizations formed to achieve social progress. . . .
>
> The delegates to this convention, while declining to admit representatives of the Socialist Labor Party as a political party, declare themselves tolerant of all phases of the reform movement and would debar no delegate as an individual because of his belief whether radical or conservative.[3]

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[1] Sullivan, J. W., and Robbins, H.: *Socialism as an Incubus on the American Labor Movement*, p. 9. Published by the American Federation of Labor.

[2] *Ibid.*

[3] American Federation of Labor: *Convention Proceedings*, 1890, p. 22.

This event, interpreted as an attempt of the Socialists to gain membership in the American Federation of Labor as a political group, angered many of the leaders and members of the Federation.

The next act on the part of Socialists, which antagonized the Federation, occurred in 1893. Eugene V. Debs, while an officer of the Brotherhood of Locomotive Firemen, accepted the presidency of the American Railway Union, whose aim was the inclusion of all railway workers in one industrial organization, unaffiliated, of course, with the American Federation of Labor. After the disintegration of this organization, following the Pullman strike in 1893, Mr. Debs became interested in the Socialist Party. Indeed, when, on several different occasions after that, he ran for President of the United States on the Socialist ticket, the Socialists were accused by the American Federation of Labor of endorsing his policies in relation to labor organization and of favoring industrial rather than craft unionism. That this only served to widen the breach between the Socialists and the American Federation of Labor is shown by the following statement:

> The Socialist political party adherents openly declared and fondly hoped that this newest effort would surely within a very brief time disintegrate the trade union movement, the A. F. of L. How these conglomerations, these fantastic vaporescences — the creations of the fervid brains of the Socialist political party leaders — fared, is history too well known to be recounted here.[1]

Mr. Debs has ever since been anathema to the Federation and the example which the leaders always cite to show the faithlessness of Socialists to the trade-union cause.[2]

In 1894, the Socialists urged, without success, the passage by the American Federation of Labor of a political program,

[1] Samuel Gompers: *The Workers and the Eight-Hour Workday*, pp. 6, 7.

[2] For example see *The Double Edge of Labor's Sword*, the Socialist Party's reprint of the testimony of Messrs. Gompers, Hillquit, and Hayes before the United States Commission on Industrial Relations in 1915, pp. 45–51.

containing eleven propositions. Of these, "Plank Ten" was "The collective ownership by the people of all means of production and distribution." In 1894, at the annual convention of the Federation, Mr. Gompers in speaking of the program said,

> A number of the demands contained in that programme have been promulgated in almost every trade union in the world, but deftly dovetailed and almost hidden there is one declaration which is not only controversial but decidedly theoretical, and which even if founded on economic truth is not demonstrable, and so remote as to place ourselves and our movement in an unenviable light before our fellow workers, and which, if our organization is committed to it will unquestionably prevent many sterling national trade unions from joining our ranks to do battle with us to attain first things first. . . .
>
> . . . During the past year the trade unions in many localities plunged into the political arena by nominating their candidates for public office, and, sad as it may be to record, it is nevertheless true that in each one of these localities politically they are defeated and the trade union movement more or less divided and disrupted.[1]

Socialist activity of that year is described in the following terms:

> What the Socialists had been doing during the intervening year Mr. Gompers' words but mildly described. Their orators and newspapers had worked zealously to convince the industrial wage-earning masses of the country that the American Federation of Labor had turned to Socialism in considering Plank Ten. . . . Wherever possible they had nominated Socialist candidates for office. . . .
>
> The programme, Plank Ten taking up most of the argument, far outstripped in interest any other of the proceedings at the Denver convention. The debates relating to it took up the greater part of two days' sessions. For five days the delegates when not in session were excitedly discussing it every waking hour. In the convention hall the debate proceeded amid various manifestations of excitement.
>
> The other propositions of the programme having been adopted, Plank Ten . . . went down before a substitute, . . . which read,

[1] American Federation of Labor: *Convention Proceedings*, 1894, p. 14.

[in part] "The abolition of the monopoly system of landholding and the substitution therefor of a title of occupancy and use only."

But the Socialists had their revenge on the spot, both in the joy of spectacularly manifesting their enthusiasm over what planks had been adopted and in engineering the defeat for reelection of Mr. Gompers to the Presidency for the ensuing year.[1]

This was the only year, after the reorganization of the old Federation into the American Federation of Labor, in 1886, that Mr. Gompers was not elected President of the organization.[2] He was returned to the office in 1895 and the Socialist program of the previous year was reversed.[3] Ever since that time the Socialists have been in the minority though at times they have been strong and powerful in the organization.

In 1896, the Socialist Trades and Labor Alliance was formed under the leadership of Daniel De Leon.[4] This fresh attempt to draw workers away from the American Federation of Labor caused great bitterness. A realization of the intensity of the feeling that the Socialists stirred up within the Federation can scarcely be gained except by reading such a heated article as the following, which appeared in the *American Federationist:*

We note, however, recently that the work of union wrecking is being taken up by a wing of the so-called Socialist Party of New York headed by a professor without a professorship, a shyster lawyer without a brief, and a statistician who furnished

[1] Sullivan, J. W., and Robbins, Hayes: *Socialism as an Incubus on the American Labor Movement*, pp. 14, 15.

[2] John McBride, the President of the Federation in 1894, was not himself a Socialist, but did believe in compulsory arbitration, one of the points at issue.

[3] This Socialist program had been adopted item by item, except plank ten, but the platform as a whole of which these items were a part had been defeated in the Convention.

[4] Daniel De Leon, who was an old member of the Knights of Labor, attempted to include the Knights in this movement. While he failed to influence the whole body, he succeeded in persuading many individuals to join the new organization.

figures to the Republican, Democratic and Socialist parties. These three mountebanks, aided by a few unthinking but duped workers, recently launched, from a beer saloon, a brand new national organization, with the avowed purpose of crushing every trade union in the country.

In following out their programme of destruction they have attacked first one union, then another. Nothing was sacred. Achievements or failure; fair conditions or foul; everything was alike, so long as they could either rule the union or crush it. The fact that the workers would become an easy prey to the chicanery and greed of the capitalists was nothing to these union wreckers. . . .

As we are writing this article we are in receipt of a letter from one of our best known and earnest labor men, a man who has been a Socialist for years. It describes the situation so accurately that we take the following extract from it. He says:

"These Socialists, known as sectionists in New York, have almost knocked all so-called radical ideas out of my cranium. I consider them to be destructionists in the labor movement. Why, for the sake of their agitation, they would destroy labor's greatest weapon — the trade union — and in all their work I can't for the life of me see where they have bettered the condition of one solitary man, woman, or child. Hereafter I will follow the line of pure trade unionism, and that is to organize, fraternize and educate the workers. I consider the Socialists of New York the most damnable, diabolical set of schemers on the face of the earth. 'By their works shall ye know them,' and what is their work? To assist the plutocrats, to forge the chain of the wage slave more compact, and thereby degrade the toilers. A man must come in contact with these fellows in order to be able to fathom them." [1]

In 1897, the Western Federation of Miners, which was largely "radical" or Socialistic, withdrew from the American Federation of Labor. This withdrawal only increased the hatred of the American Federation of Labor for the Socialists and for their program and methods, including that of independent political action.[2]

[1] Editorial, *American Federationist*, April 1896.

[2] Sullivan, J. W., and Robbins, Hayes: *Socialism as an Incubus on the American Labor Movement*, pp. 33–53. See also American Federation of Labor: *History, Encyclopedia, Reference Book*, p. 353.

The I. W. W.

The final "radical" movement that aroused the ire of the American Federation of Labor was the launching of the Industrial Workers of the World. Notwithstanding the Socialists' disclaimer of any responsibility in the new undertaking,[1] the Federation considered this to be another Socialist attack. President Gompers stated:

> The Socialists have called another convention to smash the American trade-union movement. . . .
>
> Scanning the list of twenty-six signers of this call, one will look in vain to find the name of one man who has not for years been engaged in the delectable work of trying to divert, pervert, and disrupt the labor movement of the country. . . .
>
> . . . We feel sure that the endorsement of the latest accession to this new movement of Mr. Daniel Loeb, alias De Leon, will bring unction to the souls of these promoters of the latest trade-union smashing scheme. So the trade-union smashers and rammers from without and the "borers from within" are again joining hands; a pleasant sight of the "pirates" and the "kangaroos," hugging each other in glee over their prospective prey.[2]

Socialist Tactics in the Federation

These deviations from its program and policy and these rival organizations launched by or credited to the Socialists, only served to turn the American Federation of Labor

[1] "As a matter of record and fairness it should be stated that, first, not a single signer to the above call is officially identified with the Socialist Party; secondly, that not one of the signers has been seen or heard or known on the floor of the American Federation of Labor conventions as an advocate of Socialism in recent years; and thirdly, it is doubtful whether any A. F. of L. delegate, with possibly an exception of two, had the slightest knowledge that the Chicago January Conference was to be held." Max S. Hayes: *International Socialist Review*, vol. 5, p. 501. (March, 1905.)

[2] Editorial, "The Trade Unions to be Smashed Again," *American Federationist*, March, 1905. For further examples of the Federation's attitude on this matter see the American Federation of Labor, *Convention Proceedings*, 1905, which contains discussion of the matter by the Executive Council and by the Convention.

away from political and toward direct economic action as a means of securing its demands. The Socialist methods of "boring from within" [1] and of "assaults from without" [2] were bitterly fought.[3] In consequence, the Federation became increasingly averse to independent political action, or anything that savored of Socialism, and turned its attention more and more to the development of craft groups and the consideration of the specific problems of wages and hours. At the same time, it strove to make its wishes known to Congress and to the various State Legislatures. As early as 1882 the convention had authorized a local legislative committee to handle problems arising in Washington.[4] In 1895 a regular legislative committee of the Federation was created, which has been in existence ever since. It consisted of individuals who were not officers of the American Federation of Labor, who were to give all of their time to matters of general legislation. Andrew Furuseth of the Seaman's Union was the first chairman.

Labor's Bill of Grievances of 1906

But the Federation found that it was making little progress. The method of collective bargaining was slow indeed, and the general membership knew little of the legislative program. President Gompers set forth the situation to the annual convention in 1905 in the following words:

We are not unmindful of the fact that laws in the interests of

[1] Securing enough delegates to the convention of the Federation with Socialist sympathies to enact Socialist measures and elect Socialist candidates.

[2] Organizing workers into labor organizations outside of the Federation and otherwise attacking that body.

[3] Sullivan, J. W., and Robbins, Hayes: *Socialism as an Incubus on the American Labor Movement*, especially pp. 8–25.

[4] Federation of Organized Trades and Labor Unions of the United States and Canada: *Convention Proceedings*, 1882, p. 22. Mr. Oyster, first authorized to handle this work, also cared for the interests of the Knights of Labor in Washington.

labor have been enacted, but these have been fragmentary in character and of insufficient importance. When we contemplate the alacrity with which our Congresses respond to the demands of special interests, by the prompt granting of charters, franchises, immunities, special privileges, and special and class legislation, that are winged into enactment by legislative flights, while any measure in the interests of the toiling masses progresses as if with a leaden heel; that particularly in recent years slower progress has been made than heretofore; that the toilers' appeals and petitions are treated with indifference and contempt, it is not surprising that the men of labor throughout the country have become impatient and have manifested that impatience.[1]

The Sherman Anti-Trust Act was being used thus in the fight against the Danbury Hatters. Injunctions, damage suits, contempt cases, and legal proceedings against union leaders were being instituted successfully. Under these circumstances the Federation believed that something must be done to develop in the government and the courts a more favorable attitude toward labor. Of course, legislative and political activity on the part of the Federation were the logical methods of procedure; and the organization believed that it must influence the courts and the legislatures. Nevertheless, it was opposed to independent political action.

At the time when the members of the Federation were exerting pressure on the leaders to arouse a sympathetic interest in labor problems among those in control of the government, the officials of the Federation learned, in 1906, of a strong lobby that was being maintained at Washington by the National Association of Manufacturers. So extensive were the operations of the National Association of Manufacturers in this connection that they were afterwards investigated by Congress.[2] Driven to the wall by

[1] American Federation of Labor: *Convention Proceedings*, 1906, pp. 31, 32.

[2] *Maintenance of a Lobby to Influence Legislation*, 63rd Congress, 1st Session, S. Res. 92; also American Federation of Labor: *Convention Proceedings*, 1913, p. 77.

the court decisions against labor[1] and by the inability to secure the friendly interest of the legislatures, realizing labor's weakness and the strength of such organizations as the National Association of Manufacturers, the American Federation of Labor decided actively to enter the field of politics.

> From among the rank and file among the workers of our country [averred Mr. Gompers] have come impatient inquiries as to the possibility of labor legislation at the hands of Congress, and the request to know whether the time is not opportune to conduct a campaign that will impress upon the minds of those who are juggling and disregarding the legislative interests of America's workers, the necessity for a more decent regard for those rights and interests.
>
> By authority of the Executive Council I invited the presidents of our international unions to meet with the Executive Council at headquarters to consult and devise ways and means by which the position of labor in regard to our rights and interests might be discussed and formulated. That conference was attended by one hundred and seventeen presidents or representatives of presidents of the International Trade Unions of our country together with the Executive Council, and the now well-known Bill of Labor's Grievances was drawn up. In a body we presented it to the President, the President pro tempore of the Senate and the Speaker of the House of Representatives on March 21, 1906.[2]

The plan adopted did not include independent political action. There was no talk of class conflict or of a labor party. There was no high-sounding program for the protection of society or even of labor in general. Instead, the organization centered its efforts on a few outstanding problems and abuses, which seemed of paramount importance to the existence and activities of the unions. It continued its policy of requesting and working for such legislation, item by item, as the given situation called for, demanding the enactment of certain laws and the defeat of other bills before the legislative bodies. The difference

[1] See Chapter VII.

[2] American Federation of Labor: *Convention Proceedings*, 1906, p. 32.

between this method and that developed in the earlier years of the organization, in contrast to the policy of the Knights of Labor and of the Socialists, is evidenced by the intense interest in the program of 1906, and the amount of effort expended upon it. The methods instituted at this time for carrying out the program were two, the enunciation of "Labor's Bill of Grievances," and the determination actively to reward labor's political friends and to punish its enemies.

Labor's Bill of Grievances contained eight items to be secured by legislation, including the demands for an effective eight-hour law for federal employees, for the protection of free men from the competition of convict labor, for the restriction of immigration, for Chinese exclusion, for laws to safeguard the rights of seamen in various ways, for the exemption of labor from the provisions of anti-trust laws, for the granting to federal employees of the right to petition Congress for any redress of grievances, and for the prevention of the use of the injunction in labor disputes. The Bill also included a demand for a House Committee on Labor that would really represent labor's interests.[1] Since that time these items have been constantly in the forefront of the organization's activities. Mr. Gompers has claimed that some measure of redress through legal enactment has been gained for all of these planks save that concerning convict labor. Members who oppose the official policy of the Federation, however, and particularly the Socialists and the members of the Farmer-Labor Party, have declared that the Federation has secured less than it would like to believe. They point to the difference between the passage of laws and their enforcement, and even go so far as to state that only in the case of the seamen have real gains been won.

[1] American Federation of Labor: *Convention Proceedings*, 1906, pp. 76, 77.

Rewarding Labor's Friends

The other method decided upon in the plan of 1906 was that of putting into the lawmaking bodies men friendly to the trade-union movement. The watchword adopted for this part of the campaign was,

> We will stand by our friends and administer a stinging rebuke to men or parties who are either indifferent, negligent or hostile; and, wherever opportunity affords, secure the election of intelligent, honest, earnest trade unionists, with unblemished, paid-up union cards in their possession.[1]

The first election contest into which the Federation entered actively was its attempt to defeat Charles E. Littlefield, of the second district of Maine, for reëlection on the Republican ticket to the House of Representatives. Mr. Littlefield was strong in his district and had the support of the leading members of his party. The Federation knew that its campaign against him would receive the wide publicity that the leaders of the organization desired. Mr. Littlefield was reëlected, but by a small majority, where before he had received a large one. The outcome, therefore, encouraged the Federation; and it continued the campaign. As a result of this participation in the political campaign of 1906, there were elected as members of the House of Representatives, according to the records of the Federation,[2] six men holding paid-up trade-union cards. The organization had found a new channel for voicing its demands.

After 1906, these two methods then devised constituted the political policy of the American Federation of Labor. Neither Socialism nor the formation of an Independent Labor Party were included in its program. The Federation narrowed the scope of its political activity to a much

[1] American Federation of Labor: *Convention Proceedings*, 1906, p. 33.

[2] *Legislative Achievements of the American Federation of Labor*, p. 4. Published by the American Federation of Labor.

smaller range than that of any party. It preferred to center its attention on a few items at a time, on the remedying of a few outstanding abuses, and on the demand for bettering conditions in a few specific ways. From time to time it singled out from the whole field of social and labor legislation the measures whose passage or defeat it considered most essential to labor's welfare. For many of its causes it was able to secure the help of others outside the labor movement, who were especially interested in one or a few items of its program.

Results of this Policy

This process of bitterly contesting each election was slow. Years of effort resulted in the seating of a few members in Congress, but their power was not great.[1] The Republican Party, ruled by the North and East, was in power. The industrial groups, whose interests were opposed to those of labor, controlled the situation. When Mr. Gompers carried his program for labor, including the Bill of Grievances, to the Republican Party convention in 1908, he met with no success. The Democratic Party finally adopted it, largely because the Republicans did not.[2] In 1912, the same thing occurred again. Mr. Gompers went from one party to the other, and again the Democratic Party, after the refusal of the Republicans to endorse Mr. Gompers' program, finally incorporated the Federation's demands in its platform.

In 1912, however, the Democratic Party came into

[1] The Federation, however, claims that it was not in the number of delegates seated that the success of the program launched in 1906 lay, but in the measures favorable to labor which its growing economic strength forced other legislatures to consider and vote for.

[2] The Federation asserts that in spite of an unsympathetic Republican administration much was achieved between 1906 and 1912. It claims that the attitude of Congress toward labor slowly but perceptibly changed in that period. See *Legislative Achievements of the American Federation of Labor*, a pamphlet issued by the Federation describing gains largely made before 1912.

power, placed there largely through the efforts of the Progressives, who had withdrawn from the Republican Party. It was the Progressives and not labor who elected President Wilson and those friendly to the interests of labor in 1912. The Democratic Party, with a strong backing of Southerners, absorbed mainly in agricultural rather than in industrial interests, and with a large sprinkling of sympathetic Progressives, allowed or sponsored certain labor reforms because of the influence of the Progressives. The most notable of these measures favorable to labor which were passed during the first four years of control by the Democratic Party were the Clayton Act of 1914,[1] which, in declaring that "the labor of a human being is not a commodity or article of commerce," was designed to exempt labor organizations from the provisions of the Sherman Anti-Trust Act; and the La Follette Act of 1915,[2] the purpose of which was to better the conditions of the seamen. These measures passed the Democratic Congress in part because of the growing power of the Federation and in part because some of the Southern Congressmen believed that their interests were not vitally affected by such legislation. However, the American Federation of Labor believed that it had found political friends among the leaders of the Democratic Party.

In 1916, the Federation continued to endorse the Democratic Party in national matters[3] and worked to secure the reëlection of President Wilson. The two strategic states in the presidential election at that time were Ohio and California, strong labor states. The success of the Democratic Party, therefore, seemed to justify the policy of rewarding labor's political friends and punishing

[1] See Chapter VII. [2] See Chapter IV.

[3] In the election of Congressmen and in local politics, however, the Federation endorsed sometimes Democratic and sometimes Republican candidates according to their promises concerning labor legislation or their previous records on that score.

its enemies. Mr. Gompers was listened to as an authority on labor matters. His prestige and that of the Federation increased with the declaration of war; for the success of that undertaking depended largely on the production of goods. Labor occupied a strategic position, therefore, in the government's war policy and coöperated heartily.[1] This was an economic victory for labor, a situation where the economic power of the Federation was acknowledged; but the leaders of the Federation believed that it also spelled political power.[2] Mr. Gompers claimed that these achievements of American labor were due to the Federation's policy toward political action.[3]

Labor's Bill of Grievances of 1919

However, the Federation saw much of the power which it had held during the war slip from its grasp. During the latter part of 1919 it experienced far less favorable conditions than it had enjoyed during 1917 and 1918. The loss of prestige which it undoubtedly experienced at that time was due, in part, to the sudden diminution in the demand for labor's coöperation in the production of war commod-

[1] Samuel Gompers: "American Labor and the War," editorial, *American Federationist*, May, 1917. Also, "Labor and Democracy," *American Federationist*, Oct., 1917. Also, "America at War — The Cause," *American Federationist*, May, 1917.

[2] See Chapter VIII.

[3] "We have changed the control of our government from the old-time interests of corporate power and judicial usurpation. . . .

"Suppose in 1912 we had had a labor party in existence; do you think for a moment that we could have gone as the American labor movement to the other political parties and said: 'We want you to inaugurate in your platform this and this declaration.' If one of the parties had refused and the other party consented and took its chance, would the American Federation of Labor have been permitted to exercise that independent political and economic course if the labor party had been in existence? How long would we have had to wait for the passage of a law by Congress declaring in practise and in principle that the labor of a human being is not a commodity or an article of commerce — the most far-reaching declaration ever made by any government in the history of the world?" Samuel Gompers: *Should a Political Labor Party be Formed?* pp. 13, 14.

ities and, in part, to the fact that the Federation came out of the war with no constructive program concerning the problems of production. A leader during the period of the war, it had failed to see ahead, visualizing its part in the reconstruction program and making its contribution toward the solution of the problems facing the country. Instead, various unions of its membership emphasized the problems of wages and hours, often grievously in need of attention because they had been loyally laid aside during the period of the war. But this was irritating to the country when it was trying to get back to a peace basis after the long war strain. Such tactics, instead of a constructive program involving labor's leadership in the solution of the production problems facing the country, entailed loss of prestige for the Federation. With this loss of standing came political difficulties. Charges of "bolshevism" were raised not only against the "radical" labor groups but against the Federation itself, which had always opposed the tactics of the "radicals." Labor's activities were greatly restricted. The injunction, issued against the striking miners in the fall of 1919, caused labor to distrust the Democratic Party. The fact that the injunction "dug no coal" was a strong proof to many labor leaders of the power of economic activity and of craft-union methods. But that did not excuse a hostile act on the part of the Democratic Party. Labor could not forget its history before 1912 and the treatment it had formerly received at the hands of the Republicans. What friends, therefore, in either of these two parties had it to reward?

So again, as in 1906, the American Federation of Labor voiced its grievances. In conjunction with the officers of the four Railroad Brotherhoods, it invited the affiliated national and international unions and the organizations of the farmers to meet in conference in Washington in December of 1919. The declarations drawn up at that meeting read in part as follows:

We speak in the name of millions who work — those who make and use tools — those who furnish the human power necessary for commerce and have special knowledge. Our welfare and interest are inseparably bound up with the well-being of the nation. We are an integral part of the American people and we are organized to work out the welfare of all.

Autocratic, political and corporate industrial and financial influences in our country have sought, and are seeking, to infringe upon and limit the fundamental rights of the wage-earners guaranteed by the constitution of the United States.

Powerful forces are seeking more and more aggressively to deny to wage-earners their right to cease work, . . . the right to . . . strike.

The paramount issues that concern all the people of the United States and in particular the wage-earners, are the perversion and the abuse of the writ of injunction and the necessity for full and adequate protection of the voluntary associations of wage-earners organized not for profit.[1]

The Federation protested that the actions proposed against labor were contrary to the constitution and to the ideas in the minds of its framers.

Again in 1920, Mr. Gompers submitted the platform of the American Federation of Labor to the conventions of the Republican and Democratic Parties. Leaving the convention of the Federation in Montreal, he went to Chicago to lay his demands before the Republican convention. The leaders of the party again followed the precedent of the previous conventions and refused to follow Mr. Gompers' suggestions. Indeed, they included in their platform measures understood by the Federation to constitute direct acts of hostility toward organized labor. Again, therefore, Mr. Gompers went to the Democratic convention with his program. As in 1916, too, the Democratic leaders incorporated some of Mr. Gompers' planks into their platform, particularly the one opposing compulsory arbitration. The platform makers also, forgetting labor's grievances

[1] "Labor, Its Grievances, Protests and Demands," *American Federationist*, Jan., 1920, pp. 33, 34.

against the Democratic administration for its post-war policy toward labor, asserted the party's firm friendship for labor and pointed to the legislation enacted during the past eight years. They were clearly bidding for labor's vote. In spite of its grievances against the Democratic Party, the Federation, according to its policy of non-partisan political action, endorsed the candidate for President who seemed more favorable or, at least, less unfavorable to labor's interests, engaging thus in a "Democratic non-partisan campaign." When the election resulted in a strong Republican majority, the fact was accepted by many industrial interests as a blow to organized labor.

The Federation's Policy Questioned

Undoubtedly the American Federation of Labor has been able by its chosen methods to gain concessions, and at times very important ones for labor or for special labor groups. It has secured a certain amount of power for the workers, which amounts, in the case of certain labor groups, almost to a vested interest, a monopoly along special lines.[1] However, its program, which has centered about specific problems of the unionists, thereby adding strength to the Federation in certain directions, has left it weak in others. Its growing power along certain lines has created suspicion on the part of many who fear power in the hands of any group, and has aroused intense antagonism among those whose interests the growing strength of the Federation has threatened. The latter forces have been girding themselves for a bitter contest with the organization. The question has consequently arisen whether the policy of the American Federation of Labor as set forth in 1906 and upheld ever since, is the most effective program for the future. Does the solution of labor's difficulties lie in abandoning the methods so long advocated and engaging in

[1] Thorstein Veblen: *The Vested Interests and the State of the Industrial Arts*, pp. 164, 165.

political party activity or in pressing further the program enunciated in 1906?

Rival theories of the position of the labor group in the state are involved. On the one hand is the Socialist doctrine of the political domination and control of the state by the working groups. On the other there are two possible paths. One leads toward syndicalism and the disregard of the political aspects of the state, the philosophy of the sufficiency of the occupational groups to control without the machinery of political government. The other leads toward the conception of the development of the labor group as an important but not all-inclusive or dominating element of society, fitting in its problems, achievements, and activities with those of the whole social unit, adding its part to the general social program.[1] Particularly insistent in their criticisms of the present policy of the Federation have been those who have advocated political party action. The Socialists have maintained that the leaders of the Democratic Party have, since 1912, done as much for labor as they could; but that the pressure of their party has been so strong that it has forced them to acts unfavorable to labor and contrary to their own sympathies. They aver that this will always be the case; that, as soon as a candidate is elected on the Democratic or the Republican ticket, party interests take the predominant place in his mind; and that he becomes indifferent or even hostile to the labor movement.[2]

The Independent Labor Party Movement

This criticism of the official attitude of the Federation, voiced not only by Socialists but by many who had scorned Socialism, finally expressed itself in the movement toward independent political action, inaugurated in Chicago in

[1] For a discussion of this conception see M. P. Follett: *The New State.*

[2] For a discussion of this point of view see Chapter VIII.

November, 1918. Not begun by the Socialists,[1] it often, indeed, developed in spite of their protests.[2] After its inauguration, the Independent Labor Party movement grew among the "old line" trade unionists, in spite of the official opposition of the Federation. The popularity of the new movement, which, originating in Chicago, soon spread from New York to California,[3] only served more clearly to bring out in contrast the official attitude of the American Federation of Labor. The problem therefore arose as to the future policy of the Federation. The Farmer-Labor Party[4] adherents urged independent political action. The Federation continued its course of non-partisan political activity. It is our purpose here to discuss the implications and possibilities in the policy of the Federation from the standpoint of the future welfare of the labor groups and of the state.

[1] "We don't want any European Socialism," said a leader in the Independent Labor Party to a Socialist who told him that he was at last embracing the tenets of Socialism. "If we have to have an American Socialism, we will develop it ourselves, but not according to the theories of Karl Marx."

[2] The majority of Socialists did not vote the Independent Labor Party ticket in the Chicago mayoralty election in the spring of 1919, but for their own Socialist candidates. The same thing occurred in the Presidential elections of 1920.

[3] The Chicago Federation of Labor, in February of 1919, voted ten to one to form an independent political party. About a year later, after the nation-wide steel strike, the Pennsylvania State Federation of Labor, in the state where the steel strike had been contested most bitterly, voted three hundred to one to join the Independent Labor Party.

[4] The name adopted when the party expanded, in 1920, to include farmers and members of other liberal or insurgent groups, including some of the Committee of Forty-Eight members.

CHAPTER III

COLLECTIVE BARGAINING IN THE FEDERATION'S PROGRAM

Inasmuch as the policy of the Federation has been to stress economic organization and, through its economic strength, to influence politics and legislation, it is well to note first the parts of its program which it seeks to secure by non-legislative and non-political methods. With these in mind, we can proceed to an analysis of the legislative and political activities, to see where they fit into the general plan of the Federation.

Wages

The first great union problem which the American Federation of Labor prefers to handle by the economic procedure of collective bargaining is that of wages. To be sure, the Federation has been anxious to secure legislation increasing the wages of women and children, of seamen, and of government employees.[1] It has urged, too, the abolition of the most flagrant sorts of abuse in the payment of wages to all workers, such as payment in truck,[2] or the company store system.[3] It has demanded the enforcement of the wage contract and the assurance of payment to the worker, as in the insistence upon legislation requiring stated and periodic payments,[4] and upon the first lien on property for workingmen.[5] In the case of the women,

[1] See Chapter IV.

[2] Federation of Organized Trade and Labor Unions of the United States and Canada: *Convention Proceedings*, 1881, p. 4.

[3] American Federation of Labor: *Convention Proceedings*, 1898, p. 146.

[4] *Ibid.*, 1892, p. 14.

[5] Federation of Organized Trade and Labor Unions of the United States and Canada: *Convention Proceedings*, 1881, p. 4.

children, seamen, and government employees, the Federation has had to deal with the problems of groups suffering from special disabilities, which have hampered them in securing their demands by their own efforts.[1] In the other matters, it has had to cope with special conditions of work, too broad in scope to be handled by collective bargaining, and only to be met by legislation.[2] Moreover, these special problems connected with the wage contract came up largely in the early days of the Federation, the prohibition of payment in truck and the demand for a mechanics' lien being planks in the platform of the earlier organization in 1881, when more emphasis was laid on the solution of labor's problems through legislation.

Aside from these particular cases, however, the Federation has not sought to secure better wage conditions through legal enactment. Yet one of the great causes of union activity, and, indeed, one of the strongest bonds holding the unions together is the desire to increase wages. Better wages and conditions of employment mean a better standard of living. The better standard of living, again, tends to be taken as the standard of justice in determining the basic wage rate,[3] though labor strongly opposes making this the upper limit of wages. As one writer has stated the matter:

> Hovel life gives hovel wages;
> Tenement house life gives tenement house wages;
> Shabby clothes give shabby wages;
> Good clothes, good eating, good homes, mean good wages;
> You can not have the best till you want the best.[4]

Since the unionist believes that high wages tend to breed high wages, the attempt to increase the wage rate is one of the outstanding activities of the Federation.

[1] See Chapter IV. [2] See Chapter V.

[3] R. F. Hoxie: *Trade Unionism in the United States*, p. 260.

[4] *The Eight-Hour Primer: The Fact, Theory, and the Argument*, p. 12. Published by the American Federation of Labor.

The method used, however, is not that of appeal to the legislative bodies, but that of direct economic action. "If you wait for manna, you have to eat snow," runs a trade union epigram, "and if you want higher wages, you had better not wait for a high tariff, or until the boss brings you notice of an increase on a gold plate."[1] "The wage system is all right," asserts another writer, "if we could only get enough wages; and the reason we do not is not because we hire out for wages, but because we are in that predicament which compels us to take less than we earn."[2] The reason the workers resort to economic rather than to legislative or political action for the increase of wages is partly fear, and partly hope. They fear that the minimum wage for adult men will mean that the minimum wage will become the maximum wage also.[3] So, such enactment for adult male workers has been consistently and violently opposed by the American Federation of Labor.[4]

The Federation does not distinguish, in its opposition,

[1] George E. McNeill: *American Federationist*, March, 1894, p. 8.

[2] "Notes," *American Federationist*, March, 1896, p. 19.

[3] "The attempts of the Government to establish wages at which workmen may work is in the experience of history the beginning of an era, and a long era, of industrial slavery. There was a time in history when Governments and courts, at quarter sessions, established wages. During periods when there was a dearth of workmen, and when employers offered higher wages, the workmen and employers were brought into court and both punished, punished by imprisonment and physical mutilation, because the one asked, received or demanded and the other was willing to offer, or did pay higher wages. . . .

" I fear the Greeks even when they bear gifts. Any attempt to entrap the American workman into a species of slavery under the guise of an offer of this character, is resented by the men and women of labor." *The Double Edge of Labor's Sword*, from the testimony of Mr. Gompers before the Commission on Industrial Relations, 1915, pp. 98, 99.

Again Mr. Gompers says, " I trust no one misapprehends my position so far as to believe that I favor a governmental enactment of a 'living wage' for wage earners in private employ, for, as a matter of fact, I recognize the danger of such a proposition. The minimum would become the maximum, from which we would soon find it necessary to depart." *American Federationist*, April, 1898, p. 24.

[4] With the exception of the special groups noted in Chapter IV.

between the Australian system of practically fixing minimum wage standards according to the relative bargaining strength of the two groups concerned, workers and employers; the flat rate, which is a poor measure, particularly during a period of rising costs of living, inasmuch as the legal machinery for increasing the minimum wage through enacting new laws moves much more slowly than the economic forces that increase costs; the consideration of a "reasonable profit" to the employer in the setting of a minimum wage, a grave drawback;[1] and the most modern minimum wage legislation, based on cost of living statistics, with the power of changing the rate resting in a Commission. Organized labor fears that the enforcement of the minimum wage may reduce all workers to a "dead level of mediocrity."

> There is a widespread belief [runs one of the proclamations, issued officially] that wages should be fixed on a cost-of-living basis. This idea is pernicious and intolerable. It means putting progress in chains and liberty in fetters. It means fixing a standard of living and a standard of life and liberty which must remain fixed. America's workers can not accept that proposition. They demand a progressively advancing standard of life. They have an abiding faith in a better future for all mankind. They discard and denounce a system of fixing wages solely on the basis of family budgets and bread bills. Workers are entitled not only to a living, but modern society must provide more than what is understood by the term, "a living." It must concede to all workers a fairer reward for their contribution to society, a contribution without which a progressing civilization is impossible.[2]

The theory of the minimum wage may, in a measure, parallel the theory of standardization of the trade unions.[3]

[1] For a discussion of the operation of the various types of minimum wage legislation, see "American Minimum Wage Laws at Work," by Dorothy W. Douglas, *The American Economic Review*, Dec., 1919, pp. 701–738.

[2] *American Federationist*, Jan., 1920, pp. 36, 37.

[3] See Robert F. Hoxie: *Trade Unionism in the United States*, Chapters X, XI.

Like collective bargaining, in order to protect the weakest members of the group from the worst evils of competition, it may, to some extent, tend to bring down the wages of some of the most skilled workers.[1] Such a tendency on the part of the minimum wage has, however, been denied by those most closely in touch with the enforcement of some of the most modern and carefully drawn laws on the subject. They assert that the enforcement of a minimum wage has not reduced all the workers to a "dead level of mediocrity," as the unions have feared, but, on the contrary, has tended decidedly to raise the wages of the better paid groups.

The Federation believes that a minimum standard of living must be an element, a base, in negotiations over wages, but protests that this must be the lower and not the upper limit. Moreover, it wishes to secure even this minimum in the case of the adult male worker by collective bargaining rather than through legislation. Collective bargaining has no upper limit, as legislation may have.

In other words, as far as the wages of its own union groups are concerned, the Federation is an intense believer in laissez-faire, not between individuals, but between union and employing groups. Its demand for wages is for more, more now. The law is all right to provide a minimum wage for those who cannot take care of themselves; and the Federation will urge for such groups as high a minimum as possible. But it considers relief through legislation to be no program for able-bodied men, who hope to gain by their own efforts not only what the law would concede to them, but much more. It is for this reason that the Federation opposes compulsory state insurance and old-age pensions.[2] These are good enough, to its thinking, for European workers who can never gain more than a pit-

[1] See "Some Aspects of the Minimum Wage," by Harry Alvin Millis, *The Journal of Political Economy*, Feb., 1914, pp. 144, 145.

[2] See Chapter V.

tance, or for government employees. The Federation believes that to grant old-age pensions to all workers would amount to giving them charity in lieu of their due and would be an excuse to the employer for not paying "living" wages.

Hours

The other great problem in the minds of the trade unionists, comparable to that of wages, concerns the length of the working day.[1] Here, as in the question of wages, we find among the workers strong sentiment in regard to the efficacy of collective bargaining. The arguments for shortening the working day by means of trade union rather than legislative activity are practically the same as those advanced with reference to wages. The trade unionist believes that there is a tolerable maximum but not as yet a minimum working day. Moreover, he believes that the question of hours is the subject of private bargaining between employer and worker and not a legislative matter. It is well, in this connection, to consider the unionist's motives in demanding a continually shorter workday. Such a demand cannot be ascribed to sheer laziness. The shortening of the day or the restriction of the job, to be understood, must be considered in the light of the reasoning back of them.

Shift in the Arguments for the Shorter Workday

In the demand for the eight-hour day, we see, at the present time, a shift in the argument for shortening the time of labor from that given in the early history of the organization. When the ten- or twelve-hour, or even longer day was the customary working period, the shortening of the hours of labor was a matter of health and even of length

[1] For an outline of the Federation's activities concerning the eight-hour day, see American Federation of Labor: *History, Encyclopedia, Reference Book*, pp. 215–219.

of life. It was a pressing physical problem. The eight-hour day was an ideal, remote in some instances, toward which the workers were striving for their own self-preservation.[1]

The main motive to-day, however, is not the protection of health and the prevention of fatigue. "In very few places," asserts Mr. Gompers, "do the workers now toil from dawn until darkness." [2] The demand for the eight-hour day cannot always be made on the same humanitarian grounds as that for the twelve- or ten-hour day. Even more true is this in some, though not in all occupations, of the activities looking toward the seven- or six-hour working day. The demand for the shorter working day is, at the present time, often based on the desire for leisure and opportunity for the individual, on the effort to prevent unemployment by giving all some work to do, and on the hope of maintaining or raising wages by restricting output.

The trade unionist says that the eight-hour day gives the worker a chance really to live. He wants "Eight hours for work, eight hours for sleep, eight hours for what we will." [3] Mr. Gompers says:

> The individual who works eight hours or less does not each day exhaust his energy. He has time for recuperation and something

[1] "In 1888," states Mr. Gompers, "the average length of life of members of the Cigarmakers' International Union was thirty-one years; in 1890 the average had been increased to thirty-seven years; in 1900, to forty-three years; in 1910, to forty-nine years; and in 1911, to fifty years. The organization which decreased daily hours of work and increased wages had thus increased the average lives of cigarmakers by eighteen years in a period of twenty-three years." Samuel Gompers: *The Workers and the Eight-Hour Workday*, p. 31.

[2] *Ibid.*, p. 12.

[3] A slogan of the American Federation of Labor. The striking printers in 1905 adopted the watchword, " We propose to sell to the employers eight hours out of the twenty-four and we will do as we please with the remaining sixteen." This was changed, after the successful outcome of the strike to, "We are selling, etc." American Federation of Labor: *Convention Proceedings*, 1906, p. 17.

more. His mind is more alert and active. He is capable of more vigorous and more effective work. He goes to and from work at a time when well-dressed people are on the streets. He really has time and opportunity for making comparisons and forming desires. He has longer time to stay at home, sees other homes better furnished, and consequently wants a better home for himself. He wants books, pictures, friends, entertainment. In short, he becomes a human being with intellectual desires and cravings. This change makes him a more valuable worker. Because his standard of living has changed he demands higher wages. Men and women will not continue indefinitely to work for wages that force them to live below their concepts of what constitutes standards of living.[1]

Again he says of the eight-hour day:

It has made him [the worker] more temperate in all things and given him a clearer conception of his rights and duties as a worker, a father, a citizen, and a man. It has made him more independent, more enlightened, broader in his views and in his sympathies. He has become a better safeguard to his country's honor and its interests, a stancher defender of his home and fireside.

The fact is, that the workers who have secured a reduction in their working hours can no longer afford to work at such a low rate of wages as was paid them under the old regime of long hours. They have time and leisure on their hands with which they must do something, and do what they may. New tastes are acquired, new desires have been created; with them new expenses are incurred. It may be that the increased leisure brings forth a desire, a taste, a demand for a book, a paper, a magazine, either of which creates a further demand; perhaps, yes, generally for an additional room in the worker's home. An additional room requires additional furnishings, a carpet upon the floor, a picture upon the wall, a musical instrument. Leisure forces the worker's attention to the clothing of the wife and the children, it compels the worker to be in the streets at the time when people are best dressed; he and his must be clad as near or approach to the average or they will be regarded as social inferiors.[2]

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[1] Samuel Gompers: *The Shorter Workday: Its Philosophy*, p. 32.

[2] Samuel Gompers: *The Eight-Hour Workday: Its Inauguration, Enforcement, and Influences*, pp. 5, 6.

The betterment of the living conditions of the worker has reacted upon industry, avers the American Federation of Labor, by giving it a more efficient employee.

> Employers have learned that the short-hour worker is a better, more productive, more valuable worker than the one who drudges long hours for low wages. The short-hour worker has more vitality, more ability, more resources, to put into his work — he accomplishes more in a shorter period of time. As a natural result, decreasing hours of daily work invariably results in increasing wages.[1]

The shorter workday is, finally, the best method, according to the Federation, for preventing unemployment.[2] The reasons to-day for desiring to limit their efforts are the same as those of the producer for limiting his goods. The workers believe that "increasing the . . . output of the group will not increase . . . group wages, [and that] decreasing the efficiency and output of the group will not decrease the group labor demand or the group wage." [3]

Collective Bargaining vs. Legislation to Secure Better Hours

The Federation has deviated, at times, in the past from its policy of using economic rather than political methods to secure the shorter workday. It approved and worked for laws to secure the abolition of Sunday work for barbers, bakers, and retail clerks.[4] It threw itself into state contests over the eight-hour day, particularly in Utah and Colorado.[5] It undoubtedly took such action because, after state laws approving the eight-hour day had been passed,

[1] Samuel Gompers: *The Shorter Workday: Its Philosophy*, p. 33.

[2] "So long as there is one man who seeks employment and cannot obtain it, the hours of labor are too long." American Federation of Labor: *Convention Proceedings*, 1887, p. 25.

[3] R. F. Hoxie: *Trade Unionism in the United States*, pp. 261, 262.

[4] American Federation of Labor: *Convention Proceedings*, 1893, pp. 33, 47; 1899, p. 164.

[5] *Ibid.*, 1896, p. 18.

a declaration against them might have seemed to be a public expression of disapproval of the whole eight-hour movement. The Federation also urged the enactment of the Adamson Eight-Hour Law for railway employees largely because the Railway Brotherhoods demanded its passage.

With these slight exceptions, however, the organization has preferred to secure relief from long hours for the average worker through collective bargaining. It believes more firmly each year that "the united demand to reduce hours of labor, supported by a firmly established and determined organization would be far more effective than a thousand laws whose execution depends on the good will of aspiring politicians or sycophantic department officials." [1] Nor has it expected to gain the eight-hour day immediately. The Haymarket Riot of 1886, in spite of the indirect gains to labor resulting from it,[2] has made the organization more cautious.[3] The shorter workday has not, since 1886, been the subject of one drive, economic or political, on the part of the whole Federation, but has been sought by the slower and surer methods of nibbling, shaving off a little in one trade and then in another, accustoming the public to shorter and shorter workdays until the eight- or the seven-hour day has become an accepted standard.[4]

Dependence upon economic activity is due partly to the Federation's belief that the adult male worker does not

[1] American Federation of Labor: *Convention Proceedings*, 1885, p. 20.

[2] "It is popularly believed that the eight hours movement of 1886 was a complete failure. . . . Do you know of any one trade in which the working people are working as many hours to-day as they did before May 1, 1886? Look even not at the skilled but at the so-called unskilled laborers." American Federation of Labor: *Convention Proceedings*, 1889, p. 42.

[3] See Chapter II.

[4] However, the carpenters, in 1890, the miners, in 1891, and the printers, in 1905, conducted drives for the eight-hour day. Two were mainly successful, but the miners failed, largely because of the activity of the Knights of Labor among the locals.

want charity, does not want to be the object of humanitarianism and pity. He is a free man and wants to retain and develop his freedom.[1] It is due partly to the wish to engage in economic activities without the interference of the law. This, in reality, is based on the classical economic doctrine of laissez-faire and might be interpreted as follows: The interests of all workers in the trade-union movement are the same. The greatest social good will come from allowing the unions free competition with the rest of society, especially with their employers.

The trade unions' choice of economic methods for securing the eight-hour day is also the result of the worker's belief that, if he can gain as much as he has achieved by his own efforts, unaided by legislation and unhampered by red tape and politics, he can go further and gain still more by continuing this program. Further, the efforts needed to be expended to secure the enforcement of legislation that has been enacted might yield more results, the Federation believes, if directed into the channel of collective bargaining.[2] The law and legal machinery are slow, if they

[1] "To be free, the workers must have choice. To have choice they must retain in their own hands the right to determine under what conditions they will work. Responsibility for the best use of opportunity devolves upon each individual, for each must achieve his own freedom. Freedom means opportunity. Opportunity must be offered to all through collective effort." Samuel Gompers: *The Workers and the Eight-Hour Workday*, p. 31.

[2] "Is there anywhere in the experience of our industry, in the experience of workmen organized into trade unions, where they have ever secured anything determining the terms of labor for themselves through legislative enactment that it did not return as a boomerang, that it did not establish the machinery that gave the courts an opportunity to render decisions that created an obstacle in the path of the movement it required years to overcome? Only eighteen years ago that wonderful system was adopted in Australia and New Zealand. The men there are about as well organized as in any of our countries. Although they control the Parliament at the present time, they have been unable to repeal any legislation they enacted and have since discovered only put brass bands around their movement they could not burst, and have held them backward instead of allowing them to go forward.

function at all. Direct economic action is, in the long run, more swift and sure. Its gains are less spectacular, but they are more real and enforceable. State control of matters affecting labor, moreover, even if to-day exercised to protect the worker from exploitation, may some day hamper the Federation, as it now restricts some employers, in obtaining all that it could secure by collective bargaining.

The Federation prefers, therefore, to gain better wages and shorter hours not as a gift from the public but by its own efforts. It works for more thorough unionization of the workers. "The working people must unite, irrespective of creed, color, sex, nationality, or politics," [1] asserts the Federation, although it has been slow in organizing the unskilled worker, the negro, and the woman. It sends out organizers to gather in new members. It creates the slogan, "Now for the 3,000,000 mark," "Now for the 5,000,000 mark." It prefers to deal with the employer through collective bargaining, its leaders meeting the managers of the business around the table as equals, strong men, matching their wits and pitting their minds against each other. This appeals to the workers' love of a fair fight. Indeed, the Federation avers that such methods are to the advantage of the employers.[2]

" It is not a question of an eight-hour workday, a shorter workday, but the method our trade-union movement is going to sanction that will be used to regulate and determine the conditions under which we are going to work for our employers." American Federation of Labor: *Convention Proceedings*, 1914, p. 425.

[1] *Ibid.*, 1891, p. 25.

[2] "The unions claim that they put all the employers in the trade within the competing area on an equal competitive footing, that is, they rule out the special exigencies of the particular employers and they protect fair and honorable employers; they even up the natural conditions, such as those of different mines and districts, which are given differentials in regard to wages, etc., that tend to put all into the market on a fairly equal footing." R. F. Hoxie: *Trade Unionism in the United States*, p. 260.

The Strike

Failing to make negotiations with the employer, the Federation relies on the strike with the strong "war chest" or defense fund back of it. In the latter days, as the organization has grown stronger and more conservative, the leaders have been disposed to put the reason for striking on strong moral grounds that will appeal to the general public. Thus Mr. Gompers justifies the strike in the following statement:

> In this world of ours those who do not make themselves heard have no grievances to redress. Those who are not willing to bear burdens and even temporary sacrifices in striking for their rights may be given a passing word of sympathy; books and essays may be written upon social inequalities, and the awful condition of the slums; but they are usually "passed by on the other side," and left in their squalor and misery. The workers, or the people of a nation who, knowing their rights, have the courage and the fortitude and the willingness to assert and defend them, are always the most respected among the peoples on the face of the earth. . . .
>
> The strike is the most highly civilized method which the workers, the wealth producers, have yet devised to protest against the wrong and injustice, and to demand the enforcement of the right.
>
> The strike compels more attention and study into economic and social wrongs than all the essays that have been written. It establishes better relations between the contending parties than have heretofore existed; reconciles laborers and capitalists more effectually, and speeds the machinery for production to a greater extent; gives an impetus to progress and increases power.[1]

In reality, long before such attempts at justification of the strike were made, it was found to be an effective tool to force a settlement. The attitude on the part of both the employer and the worker in a strike is more nearly expressed in the statement, oft repeated during such contro-

[1] Samuel Gompers: *Organized Labor: Its Struggles, Its Enemies, and Fool Friends*, pp. 3, 4, 5.

versies, "The public be damned." To be sure, the public is appealed to by both sides and especially by the loser, who calls upon the sympathies of the people and their love of fair play; but neither side recognizes the right of the public to continued service during times of labor disputes. The strike is a form of violence which is not a "highly civilized method" of protesting against a wrong, but which is symptomatic of the failure of our present economic system and of our lack of machinery to handle difficulties between employer and employee before they come to an issue or to prevent such difficulties from arising. Nor does the method of the strike insure that the most needy working groups shall be the ones to gain their demands. It is the strong and strategically placed union rather than the most needy that is likely to win the strike. However, until other methods are devised for foreseeing and handling disputes the strike will be one of the union's strongest tools.[1]

Nevertheless, the Federation does not endorse all strikes undertaken by union organizations. The general strike has been disapproved since 1886.[2] Industrial unionism, which implies the sympathetic strike, is violently opposed, when used as a weapon by workers outside of the Federation, and treated with coldness and suspicion when it creeps inside the organization. "Strikes of particular trades or callings have the largest number of successes and the minimum number of defeats . . . though sympathetic strikes under certain occasions are not only justifiable but

[1] For an idea of the extent to which this tool is used, see (1) Reports of the Secretary to the Convention, American Federation of Labor: *Convention Proceedings*, 1908, 1909; (2) "Railroad Strikes since 1877: A Triumphant Record for Trade Unionism," *American Federationist*, June, July, Aug., Sept., Nov., 1912, Jan., March, 1913; (3) Statistics on strikes published in the *Monthly Review*, United States Bureau of Labor Statistics.

[2] An example of this was the Federation's refusal to sanction the Seattle and Winnipeg general strikes of 1919. The lack of support on the part of the Federation and of the strong international unions helped to terminate these strikes.

practical and successful" is the statement made at one convention.[1] Again, it has been asserted that:

> The constructive forces of American trade unionism will find satisfaction in the failure of the direct actionists to secure a definite decision in favor of their policy. They will find this satisfaction because it is the earnest wish of the American trade union movement that there should be constructive progress by Labor everywhere and they are profoundly convinced that the policy of direct action cannot lead to permanent success. . . .
>
> History records few ideas more tragic and more fantastic than the idea of government by direct action. . . . The strike itself is a weapon too sacred and too valuable to be used for any other than its legitimate purpose. . . .
>
> Destroying political democracy cannot by any interpretation be called constructive or productive of permanent benefit, and of this truth the American trade union movement is most profoundly convinced.[2]

The Federation considers that the striker is simply curtailing production and not quitting his job. The worker generally does not want to ruin the business. Of course, in the midst of a contest, both sides often forget their own best interests in the desire to win the fight. But, closely bound up with the business is the worker's trade. The trade unionist is not trying to destroy the present order of society, but to better his own conditions in the social organization. Therefore, theoretically, at least, the Federation uses the strike sparingly. Trade-union leaders say that the stronger the organization, the less frequently it resorts to the strike, but the more it will sacrifice to win a strike, once called. They assert that it is the weak union financially that has not developed a "war chest" that is likely to strike frequently, and, striking, to resort to violence or to turn revolutionary. The statement has been made that —

[1] American Federation of Labor: *Convention Proceedings*, 1903, p. 19.

[2] "Direct Action Loses," editorial, *American Federationist*, Oct., 1919, pp. 962–964.

> Unions which have failed to make timely provision for protection and defense usually make up these defects by hysterical shrieks and so-called "radical," demands; . . . . Unions which have taken time by the forelock and manifested good sense by contributing fair dues to the union are the most modest in bearing yet most successful in maintaining their rights.[1]

The Railway Brotherhoods have been an outstanding example of such financial power and strength of organization, brought to bear to force a settlement of the workers' demands without resort to a strike.[2]

The injunction issued against the miners in 1919, however, established a new precedent that greatly weakened a strong union in a strike. This injunction, which restrained the miners from using their funds for strike purposes during the dispute,[3] was a direct blow at the strongest weapon of the union. If such a policy should be continued, the greatest power of the union would be taken away. The threat to strike would be puny, if the workers had to rely on their individual resources and on the gifts of other unions to finance them during a struggle. The economic power, and especially the power to tie up industry, which is the real basis of the political efficacy of the trade unions at the present time, might, in such an event, be so greatly weakened as to cause a change in union policy regarding strikes.

The Union Label and the Boycott

Another way in which the Federation aims to use its economic power is in the capacity, not only of an organiza-

[1] "Cheap John Unions," editorial, *American Federationist*, March, 1896, p. 15.

[2] The Railway Brotherhoods have, at various times, however, experienced "outlaw" strikes in which the rank and file have refused to accept the decisions of their leaders and, throughout the country, have banded together as industrial rather than as craft groups to conduct strikes. Typical of these have been the Pullman strike of 1894 and the "outlaw" strikes of 1919 and 1920.

[3] See Chapter VII.

tion of workers, but of a large body of consumers, in the enforcement of its demands. Here it employs two methods, the development and use of the trade-union label and the penalty of the boycott. The ideal which the Federation holds for the trade-union label, an ideal very far from accomplishment, is set forth by the organization as follows:

> The union label is powerful because it accomplishes by peaceful means, with absolute certainty and at little cost, that which the strike and boycott seek to accomplish, always at great cost and sacrifice.[1]

We shall see that these declarations vary widely from the actual conditions and that they should be considered as advertising rather than as statements of actual conditions, except in a few cases.[2]

As the trade-union label is intended to be of positive value to the employer who deals with the union, the boycott is suggested as a weapon of defense against the pro-

[1] *The Union Label: Its History and Aims*, p. 2. Other claims for the union label and the objects of the Union Label Department of the Federation are as follows:

"The workers who strike in protest against their wrongs may be defeated, but the public protest registered in the demand for the union label is invincible.

"The union label enlists and arms in labor's cause those elements which determine the issue in every cause in civilized society — namely, the women and children. . . .

"It organizes the purchasing power upon lines of fair conditions of labor, as against those conditions that destroy the health and morality of the producer and endanger the well-being of the purchaser." *The Union Label: Its History and Aims*, pp. 2, 8.

"The objects of this Department shall be to promote a greater demand for the products bearing the union label, and of labor performed by union workers; to investigate into, devise, recommend, and within the limit of its authority, carry into effect methods for the advertisement of union label products; to educate the members of Trade Unions, their families and the general public upon the economic, social, and moral uplift furthered by the Trade Union movement; to further the general welfare of all affiliated organizations, and to aid in the work of organization among all the toilers for the common good." Constitution of the Union Label Trades Department of the American Federation of Labor, Article II.

[2] See Chapter V.

ducer who opposes the union. The education of the membership and friends of the Federation to refuse to patronize particularly flagrant "enemies" of organized labor has been about as successful as the use of the label, though it has been very effective in certain industries or during particular labor disputes. The annual conventions, until 1908, reported the list of firms to be boycotted. Every issue of the *American Federationist* until March, 1908, contained at least one column of names under the "We Don't Patronize" list. That this really was an effective weapon in one case was shown by the Bucks' Stove and Range Company's action,[1] which indicated that the boycott had become such a serious matter to the manufacturer that he was willing to institute a long and costly lawsuit against it. After that decision against organized labor, an editorial in the *American Federationist* stated,

> Under this decision, the publication of a "We Don't Patronize" list in the *American Federationist* or any other publication makes the organization and the individuals comprising it liable to monetary damages and imprisonment. . . . This being the case, I feel obliged to discontinue the "We Don't Patronize" list.[2]

Since that time, the Federation has taken pains, through the Committee on Boycotts to report to its membership through other channels than a "We Don't Patronize" list the firms in which there have been disputes over union organization.[3]

Prevention of Unemployment

Still another example of the American Federation of Labor's preference for economic methods is shown in its attitude toward unemployment.[4] When the problem is

[1] See Chapter VII.

[2] *American Federationist*, March, 1908, p. 192.

[3] See, for example, American Federation of Labor: *Convention Proceedings*, 1918, p. 213–215.

[4] See Chapter V.

acute, nation-wide, and prevalent in all industries, organized labor cannot do much. Those who are working feel the insecurity of the tenure of their jobs, and "hard times" face all, whether or not they are employed. At times such as these, the Federation has urged the state to meet the immediate problem of unemployment. But it has demanded of the state merely palliative, and not curative measures. Otherwise the organization has preferred that the government leave the matter of unemployment to be handled by labor itself. This feeling has arisen partly from the Federation's fear of state control of labor matters and partly from a belief that other measures within its own hands are more effective.

In the first place state measures are believed to be inadequate. "The people cried for work and they gave them a relief committee," and "Better a dry morsel of trade union out-of-work benefit than a week's work of semi-municipal charity" are two trade-union epigrams.[1] In the second place, the American Federation of Labor fears that state measures to prevent unemployment may mean stronger state control over the workers' actions. This distrust has been expressed many times in such terms as the following:

> Place in the hands of the government the right to determine who is or who is not entitled to governmental insurance, to determine the regulations and conduct of every man insured, then it means that the government has the power with all the force at the command of the government to enforce the decrees or regulations.
>
> And that applies, too, to unemployment insurance. The government will determine then what will constitute justifiable reasons for unemployment. . . . What is the cause of unemployment? Suppose it is a disagreement with employers. The government will decide as to whether the cause of unemployment is justifiable or is attributable to the workmen or the employers.[2]

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[1] Geo. McNeill: *American Federationist*, March, 1894, p. 3.

[2] *American Federationist*, Jan., 1919, pp. 35–37.

As a rule, therefore, the Federation turns to the measures within its own hands which it considers more effective. Its policy, like that of the coal miners in 1919 and in 1922, is that the best way to prevent unemployment is to shorten the hours of labor for all, and that the way to provide work for all is to allow no one to do too much.

> The way out [states an editorial in the *American Federationist*] lies not through flamboyant agitation, fads, or utopian dreams; but through practical policies whose worth has been demonstrated. If the employed would but resist reductions in wages, enforce the eight-hour workday; and under no circumstances work overtime except to save life or property, much would be accomplished to eliminate unemployment.[1]

The equalization of work among its members the Federation prefers to secure by the more flexible methods of economic action. During periods of depression, it

> proposes to shorten the workday of the employees, that they may share with the unemployed the work that is to be performed, and thereby tend constantly toward the elimination of unemployment. The American workman refuses to regard unemployment as a permanent evil attending the industrial and economic forces of our country. The American workmen propose to share work with those who are unemployed and thereby to help to find work for the unemployed.[2]

We, therefore, find no discussion of state provision for unemployment except in the years of crisis and depression, when the problem is too great to be handled by collective bargaining.[3]

[1] *American Federationist*, April, 1914, p. 312.

[2] Samuel Gompers: *The American Labor Movement*, pp. 16, 17.

[3] Significant in this connection is the decision made at the 1920 Convention of the Amalgamated Clothing Workers of America (unaffiliated with the American Federation of Labor). The Convention voted that the industry itself should take care of the problem of unemployment among its workers, and, to that end, voted that an unemployment Fund should be created and maintained by the employers in that industry. Leo Wolman: The proposal for an unemployment fund in the men's clothing industry. Published by the Amalgamated Clothing Workers of America.

Opposition to Compulsory Arbitration

Not only has the American Federation of Labor preferred to obtain wages, hours, and continuity of employment by economic action rather than by legislative methods. It has also violently opposed the legislative interference of compulsory arbitration, even when the intention has been to help the workers in the progress of a difficulty with the employer. The Federation is loath to surrender its freedom of economic activity even for the sake of a possible gain in a particular situation. In the early years of the organization there was some slight demand for compulsory arbitration, when labor was weak and could count on public sympathy, because of the patent justice of its cause.[1] The realization of the possibilities of an unfavorable public opinion, however, and of decisions rendered contrary to labor's wishes soon caused the Federation to oppose such measures, and the note of protest against compulsory arbitration has steadily grown stronger. Such a measure might "make it an offense under the law to quit employment at any time and for any reason deemed sufficient by the worker himself."[2] The board of arbitration, in the opinion of the Federation, "with the power to enforce its award on individuals ceases to be a board of arbitration and assumes all the functions of an industrial court. . . . It is the reintroduction of serfdom and is contrary to the thirteenth amendment."[3] The Federation has grown to fear that compulsory arbitration might easily be used to coerce labor to return to work under conditions which it did not feel like accepting.[4]

[1] Federation of Organized Trade and Labor Unions of the United States and Canada: *Convention Proceedings*, 1884, p. 15. American Federation of Labor: *Convention Proceedings*, 1892, p. 38.

[2] American Federation of Labor: *Convention Proceedings*, 1895, p. 39.

[3] *Ibid.*, 1897, p. 88.

[4] Mr. Gompers states: "The author of the law in New Zealand recently declared that it must be either curbed, modified, or repealed. . . .

"It may not be known to the advocates of compulsory arbitration

Labor has, consequently, put forth every effort in its power [1] to prevent the installation of machinery designed by the "well-intentioned but uninformed, as well as the faddists and schemers," [2] to provide for compulsory arbitration, or the establishment of industrial courts with powers of investigation and arbitration.[3]

Opposition to Union Incorporation

In the same way, the Federation has opposed incorporation of the trade unions and their consequent submission as a corporation to the laws of the state in which they are incorporated. However, the platform of the first conven-

that in the fifteenth century there was a species of compulsory arbitration in vogue in Great Britain where the courts determined upon the wages and conditions of unemployment.

"To the student of history it is an open book that the workers of Great Britain in that time were practically enslaved." Samuel Gompers: *Organized Labor: Its Struggles, Its Enemies, and Fool Friends*, p. 7.

[1] "It is strange how much men desire to compel other men to do by law. What we aim to achieve is freedom through organization. Arbitration is possible only when voluntary. It never can be successful unless the parties to it are equals or nearly equals in power to protect themselves and to inflict injury on the other. . . . There must be voluntary arbitration or no arbitration at all." American Federation of Labor: *Convention Proceedings*, 1900, p. 22.

"There may be much to arbitrate, but there never will be anything arbitrated between the strong and the weak." *Trade Union Epigrams*, by Walter MacArthur, p. 4.

See also, American Federation of Labor: *Convention Proceedings*, 1902, p. 144.

"Arbitration or Involuntary Servitude, Which is It? Time alone Can Tell," editorial, *American Federationist*, May, 1898, pp. 70, 71.

"Compulsion Destroys Liberty," editorial, *American Federationist*, Feb., 1919, pp. 136, 137.

"Compulsory Service or Freedom—Which?" editorial, *American Federationist*, Oct., 1916, pp. 929–936.

"Compulsory Service Unconstitutional," editorial, *American Federationist*, June, 1917, pp. 21–25.

"Tying Workers to Their Tasks," editorial, *American Federationist*, Feb., 1913, pp. 115–125.

[2] American Federation of Labor: *Convention Proceedings*, 1900, p. 21.

[3] *Ibid.*, 1916, pp. 337, 338. *American Federationist*, May, 1920, p. 419; July, 1920, pp. 627–629.

tion in 1881 included, as one of its planks, the demand for the incorporation of trade unions and labor organizations.[1] That was in the day of the Federation's weakness, when incorporation seemed to the workers to be the method of giving status to an organization. It was in the days of their ignorance, too, of the possibility of the attachment of the funds of a corporation. But the attitude of the Federation soon changed. Its stand has been expressed as follows:

> It is well known that an unincorporated concern can neither sue nor be sued, so that both the employer and the trades union are on an equality before the law in this respect. Furthermore, if the trades union was to become incorporated it would be a comparatively easy matter for an unscrupulous employer to hire a spy to commit an act of lawlessness which would involve the destruction of property whereby the entire union would become involved. A successful suit for damages would practically disrupt the organization. . . . Organized labor is naturally cautious about taking a step which would bring it practically no advantage, while it would lay itself open to the assaults of its enemies.[2]
>
> Lawsuits would not only divert our attention from the effort at economic improvement to a defense against every species of civil suits brought by our opponents against any officer of organized labor, but they would make every effort "under the forms of law," to mulct our unions in damages for supposed injurious results from trade union action. We would be forced to defend suits without regard to the merit or lack of merit in the complaint in order to prevent our organization from being mulcted in damages; and this, after all, is the ultimate desire and purpose of our opponents for trade union incorporation, for necessity would require the expenditure of large sums of money in attorney's fees and other costs and expenditures incident to litigation. . . .
>
> The various specious arguments set forth from time to time . . . hide their real purpose . . . a repetition of the confiscation of the funds of the old time workmen's guilds.[3]

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[1] Federation of Organized Trade and Labor Unions of the United States and Canada: *Convention Proceedings*, 1881, p. 3.

[2] Samuel Gompers: *An Open Letter to Ministers of the Gospel*, pp. 7, 8.

[3] American Federation of Labor: *Convention Proceedings*, 1904, pp. 32, 33.

The question of incorporation, however, in the minds of the rank and file of the members of the organization is an academic rather than a practical one. Workers are not vitally interested in the incorporation of the union. The question is seldom discussed. The reasons given above, however, state, in general, the trade unionist's answer when questioned on the matter by an outsider. Failure to incorporate does not protect the unions against suit, however, as the decision against the Danbury Hatters has shown.[1] The Federation believes, nevertheless, that incorporation would greatly increase the number of such suits and would subject the unions to state regulation.

Summary

A consideration of the elements of the Federation's program which it seeks to secure by the methods of trade-union organization is significant in showing us its attitude toward legislation and politics. Where there is a bargain between the average worker and the employer involving the terms of employment, specifically the wages and hours, the Federation prefers to better the conditions and the contract by other than legislative means. It "has some apprehension as to the placing of additional powers in the hands of the Government which may work to the detriment of working people, and particularly when the things can be done by the workmen themselves."[2] It believes that the unions will accomplish these things "by the initiative of the organization and the grit, the courage, the manhood and womanhood of the men and women in the American Federation of Labor,"[3] . . . and that "when the organizations of labor . . . have accomplished that to a large extent, and propose to accomplish it further on their own initiative and by their own voluntary association, it pre-

[1] See Chapter VII.
[2] *The Double Edge of Labor's Sword*, p. 102.
[3] *Ibid.*, p. 105.

cludes the question of having a legal enactment for that purpose."[1]

The average adult American worker, in the opinion of the American Federation of Labor, desires only that freedom of opportunity be given to his group to bargain with the employer. He believes that the state is less effective for securing many of his demands than his trade-union organization. He says that, whenever legislation has endeavored to handle such questions as wages and hours, the first result has been the securing of better terms for the worker, but the ultimate outcome has been to hinder progress. Not only does he realize that he will not gain by legislative methods all that he wants to-day, but he knows that conditions may be so altered that he may require more than he sees need of to-day. To-morrow his desires may outstrip even his dreams of to-day. So the Federation will not trust itself to the uncertain beneficence of the law when it can see any gain by the group's efforts. The State, according to the Federation, is established to care for general political and social problems; but the relations of employer and employee lie outside of the realm of politics. In these matters the Federation wants to be free from the law. This is an individualistic, laissez-faire policy, except that the units are no longer the individual workers, but the trade-union groups.

[1] *The Double Edge of Labor's Sword*, p. 106.

CHAPTER IV

LEGISLATION FOR SPECIAL WORKING GROUPS

It is, however, essential to consider those items of its program which the Federation does seek to secure by methods of legislation. The organization's legislative activity may be considered under three main heads: protection for special laboring groups; efforts to better the conditions of all workers, including the Federation members;[1] and general social measures.[2] Of course, it is impossible to draw a hard and fast line between any two of these, as legislation for certain of the special working groups, such as women and children, is of great social importance. Again, it is difficult to classify agitation for better housing or for improved land laws. They are of interest to the workers, but they have also social significance. Nor can one make distinctions such as these according to the motives of the unionists. It would be hard to judge whether the individual, the craft, or the social impulse is stronger in the demand for some of the laws urged by the American Federation of Labor. A fairly clear line of distinction may, however, be drawn between any two of these three types of legislation that are sought by the Federation.

In the first place, there are particular working groups for which the Federation has, from the beginning, demanded special legislation. They are, especially, women and children, the seamen, and government employees. It is important to know the kinds of laws that the organization asks on behalf of these various groups and the amount of emphasis and attention given to their enactment.

[1] See Chapter V.
[2] See Chapter VI.

Child Labor

A demand for the prohibition of child labor was included, as the third plank, in the platform adopted at the first convention of the Federation of Organized Trade and Labor Unions of the United States and Canada in 1881. It read, "We are in favor of the passage of laws in the several States forbidding the employment of children under the age of fourteen years in any capacity, under penalty of fine and imprisonment."[1] In voicing these standards, the Federation was following the sentiment which was growing throughout the country. From the year 1818 on, child labor had been attacked in various states on educational grounds. From the time of the thirties, organized labor had seen the value to its own cause of limiting the hours of work for children. From the seventies, labor organizations and, following them, public opinion had opposed the gainful employment in industry of children under fourteen.[2] Standards had been set by law in various states, but many were far below the fourteen-year age limit. The Federation, therefore, inherited the demand of earlier labor bodies and followed growing public sentiment. Nevertheless, it is significant that this standard was set forth twenty-three years before the founding, in 1904, of the National Child Labor Committee, a private organization established to combat the evils of child labor, whose membership comprised men and women throughout the nation. In 1908, the extent of the employment of children in this country was summed up by the National Child Labor Committee as follows:

For more than thirty years there have been occasional warnings of the great increase of child labor in this country, but until

[1] Federation of Organized Trade and Labor Unions of the United States and Canada: *Convention Proceedings*, 1881, p. 3.

[2] Summary of the *Report on Condition of Women and Child Wage Earners in the United States*, United States Bureau of Labor Statistics, pp. 230, 231.

the publication of the census figures of 1900 few people realized the extent of this evil. These figures which showed that in 1900 there were 1,750,178 children, or nearly one in every six children between the ages of ten and sixteen years in the United States engaged in gainful occupations, revealed the startling extent of the number of working children in the country. This number, it is true, included agricultural workers, . . . but it did not include the thousands of children under ten years of age who are engaged in various gainful occupations, such as selling newspapers and merchandise of various sorts in the city streets or working in sweatshops and tenement workshops. A conservative estimate, including these children under ten years of age and providing for the increase which has taken place since 1900, puts the present number of working children under sixteen years of age at two millions, although no reliable statistics are available.[1]

That the standard set forth by the American Federation of Labor in 1881 had not been embodied in the laws of many states nearly forty years later was shown by the opposition to the Federal Child Labor Acts of 1916 and 1918.

The Federation's Early Stand and High Ideals Concerning Child Labor

Even had it only voiced its protest in resolutions, and had not actively opposed child labor, at least the American Federation of Labor must be given credit for having seen the problem long before some other sections of the community saw it or were willing to face it. And, although the legislative program of the organization has changed markedly since 1881, the demand for the prohibition of child labor by law has been constant. Attempts were made by the Executive Committee to urge or aid in the passage of child labor laws in many states.[2]

[1] Everett W. Lord: *The National Child Labor Committee and Its Work* (1908), pp. 3, 4, published by the National Child Labor Committee.

[2] "The American Federation of Labor, at the last convention, issued instructions that further and strenuous efforts be made to secure laws in those states. . . which have none for the prohibition or restriction of the labor of children. . . . Bills were introduced in the legislatures in Georgia, North and South Carolina, Alabama, and Tennessee." Amer-

Moreover, while the efforts of the organization were concentrated on influencing the state legislatures, there was also a demand for national action on the matter. This included suggestions for a constitutional amendment prohibiting child labor,[1] to meet one issue raised by the opposition in the early history of the Federation; for investigation of the extent of the employment of children;[2] and for a prohibitive tax on establishments using child labor.[3] The agitation included the demand not only for prohibiting the labor of children under fourteen years, but for restricting the hours of work of children between fourteen and sixteen years of age. Eight-hour clauses for children over fourteen were introduced into many child labor bills with the support of the Federation.[4] In addition, the organization demanded still higher standards in 1917, when it adopted the resolution, "That the American Federation of Labor is unalterably opposed to the employment of children under the age of sixteen years."[5] This stand, it must be remembered, was taken by the convention, not during a period of unemployment, but during the war, at a time of labor shortage.

The passage of the Federal Child Labor Law of 1916 and of the Child Labor Tax provision of 1919 was undoubtedly due largely to the efforts of such private organizations, unaffiliated with the labor movement, as the National Child Labor Committee, the Consumers' League, and the American Association for Labor Legislation. They were demanded on humanitarian grounds by many people outside of the American Federation of Labor. But, although the trade unionists were probably not primarily responsible for directing the definite, organized

ican Federation of Labor: *Convention Proceedings*, 1901, p. 16. For further references on this matter see American Federation of Labor: *History, Encyclopedia, Reference Book*, pp. 170–174.

[1] American Federation of Labor: *Convention Proceedings*, 1897, p. 85.

[2] *Ibid.*, 1907, p. 28. [3] *Ibid.*, 1898, p. 65.

[4] *Ibid.*, 1898, p. 65. [5] *Ibid.*, 1917, p. 413.

agitation that finally secured their passage, the Federation had consistently urged and worked for such laws and had economic power and machinery to aid in putting through such legislation. It also protested bitterly against the Supreme Court's decisions declaring the acts to be unconstitutional.[1]

To be sure, the motives of the Federation were not entirely altruistic. It was felt that child labor, like that of other poorly paid and unskilled groups, tended to lower the wages and conditions of labor of adult male workers, including the trade unionists. This brought the matter forcibly to the Federation's attention. But these circumstances did not alter the fact that the American Federation of Labor was among the strongest protestants against child labor and, from its early history, had repeatedly proposed better legislation to remedy the evil.

The Woman Worker

While the attitude of the Federation toward legislation for children has been clear, its position on the matter of legislation for women has been more doubtful. Resolutions covering many phases of the problem of women in industry have been brought before the annual conventions of the American Federation of Labor and have been adopted. The Federation, in 1894, declared, "Work of females should be limited to an eight-hour day." [2] Reso-

[1] "The first shock to the public within and without the labor movement, is caused by the direct blow against the conservation of our manhood and womanhood of tomorrow, and the first effort must be toward limiting the disastrous effects of the decision as far as may be possible pending new legislation.

"The further recommendation is made that the Executive Council be instructed to make every effort to find a permanent remedy for the intolerable situation resulting from the decision of the Supreme Court and the suggestion of legislation." American Federation of Labor: *Convention Proceedings*, 1918, p. 317.

[2] *Ibid.*, 1894, p. 45.

lutions have been passed by the annual conventions, demanding legal regulation of the moral conditions under which women shall be allowed to work, such as the prevention of the "employment of females in any capacity in connection with saloons and any places selling intoxicating liquors," [1] and of "the employment of white women or girls in . . . establishments owned or controlled by Chinese or Japanese (because it constitutes) both morally and economically a serious menace to society." [2] Resolutions have been concurred in governing the working conditions of women, such as the prohibition of the "use of foot-power machines for women in industry," [3] and the demand that women assistant factory inspectors be appointed to inspect the conditions under which women were working.[4] The conventions have declared themselves in favor of woman suffrage.[5] They have discussed a minimum wage law for women,[6] because,

> The organization of women constitutes a separate and more difficult problem. Women do not organize as readily or as stably as men. They are therefore more easily exploited. They certainly are in a greater measure than are men entitled to the concern of society. A fair standard of wages — a living wage, for all employed in an industry should be the first consideration in production. None are more entitled to that standard than are women and minors.[7]

The Federation has, nevertheless, been unwilling to take a stand in favor of minimum wage laws for women, believing that economic organization would secure more results than legislation, in the case of women as well as of men.

[1] American Federation of Labor: *Convention Proceedings*, 1893, p. 48.
[2] *Ibid.*, 1913, p. 370. [3] *Ibid.*, 1892, p. 45. [4] *Ibid.*, 1890, p. 40.
[5] *Ibid.*, 1912, p. 383; *American Federationist*, Oct. 1920, pp. 937–939.
[6] American Federation of Labor: *Convention Proceedings*, 1912, p. 251; 1913, pp. 59, 299.
[7] *Ibid.*, 1913, p. 299.

Indecision as to the Status of Women

The question of legislation for women covering matters of employment has been complicated by indecision as to whether the woman should be treated as a child who is incapable of organization and who, therefore, needs to be protected, or whether she should be organized and considered in the same position as the adult, male worker. The general tendency of the Federation has been to regard her in the latter rôle. Ever since its early days the Federation has discussed the organization of women workers. But the unions composing it have not greatly exerted themselves to organize the women. That this is partly the fault of the women workers and the indifference of many of them to organization there is no question, but that the American Federation of Labor has failed to send organizers among the women to any great extent and that the unions comprising the Federation have not recognized the importance of taking women into the unions is also true. Sometimes the best way to keep women or other minorities out of such an organization is to pretend to admit them on equal terms. Under the present circumstance, positive effort is necessary in order to give women representation. Meanwhile the granting of the suffrage to women takes them out of the ranks of those who are the "wards of the nation." The replacement of men by women during the war and the continuation of the latter in industry has forced the American Federation of Labor to consider the question of women's labor. If women are to take men's jobs, they must not undercut the men. During the war the Federation urged,

> that wherever the introduction of women in industry becomes necessary because of shortage of man power, every effort be put forth, not only by the Federation, but by every national union, state federation, and local union to the end that equal pay for equal work shall be accorded to the women who are in industry

and who shall come into it. To pay women workers less than men is to tear down the American standard of life, not only during the war but for a long time after.[1]

In the matter of women workers, then, we find that until recent times the American Federation of Labor has considered legislation, such as the provision for a maximum work day, to be a good method for remedying the evils connected with their labor. It has held this position theoretically and has approved of legislation looking toward these ends, but has not devoted much effort to securing the enactment of such laws, leaving this largely to such organizations as the Consumers' League, the American Association for Labor Legislation, and the Women's Trade Union League. But it is also significant that, with the granting of the suffrage to women and with their increasing competition with men workers in fields hitherto considered entirely out of their range, the attitude of the Federation toward legislation as the method of securing to women all of the safeguards that they need is changing. The organization may therefore come to believe that the methods upon which it relies for decreasing the hours and bettering the conditions of men[2] may be more efficacious than legislation for securing better terms for women also; and may feel the need for conducting active campaigns for organizing them.

Seamen's Legislation

When we come to the seamen, we can entertain no question as to the earnestness of the attempt of the organization to secure for them more sympathetic laws. Out of the ten items in Labor's Bill of Grievances of 1906 two are concerned with the seamen. It may be that the particularly trying position of sailors under the existing national and international maritime laws has appealed to the

[1] American Federation of Labor: *Convention Proceedings*, 1917, p. 90.
[2] See Chapter III.

membership of the American Federation of Labor. Probably the personality, persistence, and singleness of purpose of Andrew Furuseth, President of the Seamen's Union, have been more responsible for the Federation's realization of the position of the sailors. At any rate, efforts for this group of workers have bulked large in the activities of the Federation. The status of the seaman, unlike that of the child laborer, has not been understood by and has not caught the imagination and sympathy of any other large group of the American public. The La Follette Bill of 1915, probably the most significant single piece of legislation enacted in centuries in behalf of the seamen, and the subsequent activities for bettering the working conditions of that laboring group, have been largely, if not wholly, the result of the efforts of the American Federation of Labor, constantly spurred on and reminded of conditions at sea by Andrew Furuseth. The older laws governing the employment of men on board ship, which the La Follette Bill has been designed to correct, have embodied principles which were particularly obnoxious to the membership of the American Federation of Labor.

Labor's great opposition, until the passage of the La Follette Bill, centered around the legal provisions that pronounced as a deserter any seaman employed on any vessel, even a privately owned one, who left the ship, even in safe harbor, before his contract with the vessel expired. The laws also treated as a traitor any sailor who went on strike or otherwise protested against conditions, while he was on the high seas. They compelled him to render service during the period of his contract. The fact that American courts, manned by landsmen who did not know the sea, inflicted heavy penalties for these acts, which they termed treason or desertion, aroused labor's wrath. The courts would convict and sentence to imprisonment the sailor, whatever his nationality, for leaving a ship, sailing under any flag, or protesting against any conditions, no matter

how bad they might be, during the period of his contract. This was very irritating to the American Federation of Labor. To the mind of the unionists, the seaman was subjected to involuntary servitude. Moreover, while one group of workers was not free, the organization feared for others.[1] Labor's Bill of Grievances of 1906 included in the protest against the seamen's laws, the following assertion: The petitions to secure for the seamen equal right with all others have been denied, and a disposition shown to extend to other workmen the system of compulsory labor.[2]

That the seamen were forced to submit to all sorts of hardships and cruelty, to poor and insufficient and even vile food, was secondary to their "involuntary servitude";[3] to the fact that "serfdom or slavery were tolerated under the American flag";[4] and that seamen were denied their right to quit employment, even when the vessel was in safe harbor. Evil conditions of work were nothing in comparison to the realization that any remonstrance, to say nothing of a strike, against ill treatment would be considered treason on the high seas; that leaving the ship before the final destination was desertion; and that the sailors were, consequently, unfree. However, the seamen believed that legal freedom would result in better conditions on board ship.

Particularly obnoxious, under the circumstances, was

[1] "If Congress . . . can authorize the arrest of a seaman who engages to serve on a private vessel and compel him by force to return to the vessel and remain there for the term for which he is engaged, a similar rule may be prescribed as to employees upon railroads and steamboats engaged in commerce among the states. . . . Why may not the States . . . compel all employees of railroads engaged in domestic commerce, and all domestic servants, and all employees in private establishments, . . . to remain with their employers during the terms for which they were severally engaged, under penalty of being arrested by some sheriff or constable and forcibly returned to the service of their employers?" American Federation of Labor: *Convention Proceedings*, 1897, pp. 87, 88.

[2] *Ibid.*, 1906, p. 77. [3] *Ibid.*, 1893, p. 46. [4] *Ibid.*, 1899, p. 141.

the notorious "crimping system."[1] Private "employment agencies" of a low type, often connected with saloons, crowded close to the docks, and charged high fees for shipping the seamen on other vessels. Often the sailor's only chance of being rehired was through these agencies. At times conditions were still worse. The sailor, just off the boat and out to spend his pay and to have a good time, often dropped into these places. Sometimes he was "shanghaied,"[2] and put on an outgoing vessel, only to awake later to find himself booked for a long voyage, perhaps on a notoriously bad boat or one that he would never have chosen for himself, going to a port that he did not care to make. Then the law making a strike or a remonstrance treason, and the quitting of the ship before the port contracted for, desertion, was galling indeed. Laws were therefore demanded and finally secured by the American Federation of Labor abolishing the "crimping system."[3]

While the great efforts of the American Federation of Labor for the sailors were directed toward the abolition of the law defining a strike on the high seas as treason and the breaking of a wage contract by the seamen as desertion, there were, nevertheless, conditions arising, partly as a result of these, which received attention. The Federation demanded greater safety, better food, and the hiring of a higher class of labor. It opposed measures, "under the guise of a bill to subsidize the shipping industry, . . . providing for a form of conscription, which would make compulsory naval service a condition precedent to em-

[1] "Crimp: To decoy and detain, as for some swindling purpose or for impressment, as sailors." Funk & Wagnalls, New Standard Dictionary.

[2] "Shanghai: To ship a sailor when drugged or drunk, crews have been largely obtained by a system of virtual impressment or kidnapping, called in longshore vernacular 'shanghaiing.' " Funk & Wagnalls, New Standard Dictionary.

[3] American Federation of Labor: *Convention Proceedings*, 1895, p. 39; 1899, p. 13.

ployment on privately-owned vessels." [1] "Having in mind . . . disasters on the waters too numerous to mention, where in nearly every case the great loss of life was due to the undermanning and the unskilled manning of such vessels," [2] the Federation sought the better manning of vessels, and demanded that crews be employed part of whom, at least, spoke English.[3] It also urged a load line to prevent the overloading of the vessels,[4] and better safety inspection.[5] The great triumph of the Federation in its efforts on behalf of the seamen, came, of course, with the passage of the La Follette Bill in 1915,[6] which provided

[1] American Federation of Labor: *Convention Proceedings*, 1906, p. 77.
[2] *Ibid.* [3] *Ibid.*, 1906, p. 162.
[4] *Ibid.* [5] *Ibid.*, 1908, p. 257.
[6] The La Follette Bill of March 4, 1915, read in part as follows:

"Section 9. Flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than three months nor more than two years.

"Section 13. No vessel of one hundred tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes and except as provided in section one of this act shall be permitted to depart from any port of the United States unless she has on board a crew not less than seventy-five per centum of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless forty per centum in the first year, forty-five per centum in the second year, fifty per centum in the third year, fifty-five per centum in the fourth year, after the passage of this Act, and thereafter sixty-five per centum of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seamen.

"Section 16. In the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting or charged with deserting from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions thereof . . . ought to be terminated, and to this end the President . . . is hereby requested and directed, within ninety days after the passage of this Act, to give notice to the several Governments, respectively that so much as hereinbefore

that the strike should not be called treason and the breaking of the contract, desertion. Since the passage of this bill, the organization has fought the many efforts to weaken or repeal it.[1]

Government Employees

A fourth group for which the Federation has demanded legislation comprises the government employees. Federal employees are not permitted to strike. Thus the most potent weapon of organized labor is denied them. In accordance with executive orders, "while retaining the right to vote as they please and express privately their opinions on all political subjects (they) shall take no active part in political management or political campaigns." [2] They are, therefore, unable to initiate or work for laws for the improvement of their working conditions. While, of course, there is great reason for such rules, they result, incidentally, in placing a particular handicap upon workers in the government service in their efforts to secure better conditions. Since their wages, hours, and other conditions of service are often fixed by act of Congress or else by a department head accountable to Congress, and since the strike is unlawful, these employees believe that the betterment of their condition can only come about by law or by political activity.[3]

In the case of government employees, as with the seamen, the support of the American Federation of Labor

described of all such treaties and conventions between the United States and foreign governments will terminate on the expiration of such periods after notices have been given as may be required in such treaties and conventions."

[1] American Federation of Labor: *Convention Proceedings*, 1915, p. 373; 1919, p. 130.

[2] *U. S. Civil Service Rules*, 1919 Compilation, pp. 33 ff.

[3] "The state has only political existence and political means of expression; hence, it must operate entirely through political agencies and methods." *Legislative Achievements of the American Federation of Labor*, published by the American Federation of Labor, p. 7.

has not been simply that of passing resolutions in their behalf. There has been strong, active, and persistent effort. It has centered around the three great questions, — hours, wages, and the privilege of government employees to voice their own demands. The Federation has upheld the standard, first of an eight, and, later, of a seven-hour day for government employees on the same grounds that it has worked for shorter hours for its other members.[1] In addition, the Federation has realized the effect on all labor of federal standards. Government employees and those working on government contracts comprise a large working group. If their wages are low or their hours, long, they tend to undercut workers in the same trades who are in private industrial concerns. Poorly paid government employees in a trade paying good wages elsewhere would be willing to accept work outside at a lower wage than the trade usually offered, and would thus tend to lower the wages of all. The same holds good in the matter of long hours. On the other hand, if the wages and hours are better in government positions than in the trades outside, they tend, in the same way, to raise the standard. Therefore the problem of the government employee has been of extreme importance to the American Federation of Labor. Two of the ten items of Labor's Bill of Grievances of 1906 are concerned with these matters.[2]

The first eight-hour law for federal employees was passed by Congress in 1868. While it made the eight-hour day the standard, it did not prohibit or provide extra compensation for a longer day. Therefore the law was not

[1] See Chapter III.

[2] "The eight-hour law," read the declaration of 1906, in part, "provides that those entrusted with the supervision of government work shall neither require nor permit any violations thereof. The law has been grievously violated; the violations have been reported to the heads of several departments, who have refused to take the necessary steps for its enforcement." American Federation of Labor: *Convention Proceedings*, 1906, p. 76.

effective.[1] The American Federation of Labor was vitally interested in this matter from the very beginning of its history. The platform of the first convention in 1881 contained a plank demanding an "effective national eight-hour law." From that time on the Federation made efforts to secure legislation for an eight-hour day,[2] for extra pay for overtime, for the abolition of night work wherever possible,[3] for a Saturday half-holiday,[4] and for an annual thirty-day leave of absence with pay.[5] While the gains have been slow, often pertaining only to special groups, there has been steady and sure progress, until finally the American Federation of Labor has reported that the efforts to secure an eight-hour day, the goal set forth in the Bill of Grievances, have been successful. Of course, for many federal employees the working day now comprises seven hours. However, there is still no provision for the restriction of or payment for overtime in many branches of the Federal Civil service.

In the matter of wages of government employees, the Federation has also shown interest and has sought legislation. Resolutions have been adopted urging the increase of pay of federal employees to make up for the increases in the cost of living,[6] the general advancements in the salaries of various sorts of employees of the government,[7] and, finally, for a minimum wage for all federal employees.[8] There have been constant demands for the pensioning of government employees,[9] until the final passage of such a bill in April, 1920. Agitation, which has been mainly carried on by the Federation, for compensation

[1] *The National Eight-Hour-Law Headquarters A. F. of L. and District Assembly No. 66, K. of L. of the District of Columbia*, 1892, published by the American Federation of Labor.

[2] American Federation of Labor: *Convention Proceedings*, 1898, p. 43.

[3] *Ibid.*, 1914, p. 355.

[4] *Ibid.*, 1912, p. 252; 1914, p. 467.

[5] *Ibid.*, 1898, p. 41.

[6] *Ibid.*, 1916, p. 338.

[7] *Ibid.*, 1899, p. 87; 1901, p. 27; 1906, p. 165.

[8] *Ibid.*, 1920, p. 359.

[9] *Ibid.*, 1911, p. 268.

for accidents[1] to federal employees has resulted in legislation securing compensation to all in the government civil service.[2]

Perhaps most important of all, however, has been the effort of the American Federation of Labor to secure for government employees the privilege of voicing their sentiments. This includes the right to unionize, to hold their positions irrespective of their private opinions,[3] and to appeal from decisions affecting their welfare. In the first place, the American Federation of Labor has encouraged the unionization of federal employees. It has sent organizers among them. It has demanded that union workers should not be discriminated against because of their union affiliation.[4] It has helped them to develop large and powerful unions as, for example, those of the letter carriers and of the machinists in the arsenals and navy yards.[5] It has urged upon the government the employment of union members. Securing the government's endorsement of the union, gives precedence to union men and thus really sets the seal of government approval upon trade unionism.[6] The Federation has also demanded that machinery be established for appealing decisions regarding the demotion

[1] American Federation of Labor: *Convention Proceedings*, 1913, pp. 258, 304.

[2] See Chapter VI.

[3] American Federation of Labor: *Convention Proceedings*, 1885, p. 19.

[4] *Ibid.*, 1897, p. 81; 1903, p. 204.

[5] In the early part of 1920, the National Federation of Federal Employees, which is one of four trade-union organizations affiliated with the American Federation of Labor composed exclusively of government employees, and including 154 local unions, estimated that three-fourths of the 700,000 men and women employed by the United States Government were organized into trade unions. (Information released by the National Federation of Federal Employees, Jan. 5, 1920.)

[6] American Federation of Labor: *Convention Proceedings*, 1888, p. 26; 1898, p. 44. For a discussion of the controversy over the union shop in government work during the war, see Louis B. Wehle: "The Adjustment of Wage Disputes Incident to Production for War in the United States," *Quarterly Journal of Economics*, vol. 32, pp. 122–133.

or removal from office of federal employees.[1] It has urged better safety devices in government shops and better working conditions in general. It has opposed and has in a large measure been able to prevent the use of the stop watch and time and motion studies in government work,[2] because their purpose and effect are believed to be the breaking down of union standards.[3] It has, finally, upheld the civil service law as against the spoils system and has urged the disregarding of political opinions in the hiring of government employees.[4]

Gaining some headway in developing a more sympathetic attitude on the part of the government toward its employees, the Federation has turned its attention to plants doing government contract work, and has urged the enforcement of the same standards in them. These have included the demand for the eight-hour day [5] in government contract work and for the placing of contracts only in factories using union labor or complying with union standards of hours and wages.[6] Every shop where government standards are thus enforced helps to raise the standard of wages, hours, and conditions in the trade or locality; and in many departments of the government this has been achieved.

The Federation has also extended its activities to include many state and municipal employees. The office employees' union in Chicago, which has few members among those employed by private concerns, is strong in the City Hall;

[1] American Federation of Labor: *Convention Proceedings*, 1915, p. 300; 1917, p. 416.

[2] *Ibid.*, 1907, p. 332; "The Criminal Speeding Up System Must Stop," editorial, *American Federationist*, Dec., 1914, pp. 1089–91.

[3] R. F. Hoxie: *Scientific Management and Labor;* J. P. Fry: "The Relationship of Scientific Management to Labor," *American Federationist*, April, 1913, pp. 296–301; Samuel Gompers: "The Miracles of Efficiency," *American Federationist*, April, 1911, pp. 273–279.

[4] American Federation of Labor: *Convention Proceedings*, 1885, p. 19.

[5] *Ibid.*, 1888, pp. 26, 27; 1891, p. 37.

[6] *Ibid.*, 1900, p. 130; 1901, p. 26; 1906, p. 162.

teachers; nurses in state, county, and municipal hospitals; street cleaners; garbage collectors; engineers in school buildings and in various other municipal plants; firemen; and even, in Boston, the police have formed unions and have become affiliated with the American Federation of Labor. In 1919, at the time of the strike of the Boston police, there was much discussion on the part of the public as to the right of municipal or state employees to strike. The American Federation of Labor for years opposed such strikes. When, in 1919, the Federation granted a charter to the police, it was with the direct understanding that they would not strike. Indeed, only after they did strike, did Mr. Gompers, in an address to the Boston Chamber of Commerce, discuss and justify their action.[1] The 1920 Convention of the Federation adopted a resolution providing for the formation of an international[2] policemen's union as soon as the membership of the local unions should reach 6000.[3] Whether the strike of the Boston police will have any bearing on labor's attitude, in the future, toward strikes on the part of federal employees, it is impossible to conjecture. It is certain that, to date, government workers do not contemplate the use of that weapon.

Summary

It will be seen, therefore, that for these four large groups of workers, women, children, seamen, and government employees, the American Federation of Labor has urged and continues to ask for legislation covering all phases of their labor, including wages, hours, and conditions of work, and also, in the case of federal employees, the recognition of the union. It will be noted, too, that in the case of all of these groups the workers are under some particular legal or

[1] *American Federationist*, Feb., 1920, pp. 129–137.

[2] "International" in this sense means, of course, having locals in the United States and Canada.

[3] American Federation of Labor: *Convention Proceedings*, 1920, p. 304.

political handicap. They are not fully adult, free persons before the law, competent to care for themselves. In the case of women there is a certain socially inherited weakness in the matter of organization and a social attitude which refuses to consider them as equal to adult male workers. The seamen have actually been handicapped by law beyond the average workmen in their ability legally to use the weapon of refusing, individually or collectively, to work, if the conditions do not suit them. The government employees are prevented from striking or from appealing to those who set their wages, hours, or conditions of work or, over their heads, to the voting public. It will also be noted that not only do these labor groups need a spokesman, but that, without some one to speak for them, without some means of raising their living and working standards, they tend to lower the standards of other working groups.

CHAPTER V

SPECIAL LEGISLATION DESIRED FOR TRADE-UNION GROUPS

Another type of legislation advocated by the American Federation of Labor, concerns the welfare of all adult male workers and the legal restrictions upon industry that it desires for their protection. This part of the program represents the demand for safeguards against special conditions of work and the insistence upon security against certain kinds of competition. It includes the problems of safety, sanitation, occupational disease, and compensation for accident, and also those of competition with the immigrant and with convict labor.

Safety Measures Sought

The platform adopted at the first convention of the Federation of Organized Trade and Labor Assemblies of the United States and Canada in 1881, contained four supplementary planks, three of which related to legislation on matters of safety, viz., the licensing of stationary engineers, the inspection of mines and factories, and the better enforcement of the employers' liability laws. Ever since that time, the organization has demanded safety measures. In the first place, it has asked for safety devices to protect workers in particularly hazardous industries. The railroads have received special attention. Some of the problems and demands in this field have concerned the inspection of railway trains, provision for the safe conveyance of passengers, the protection of railroad employees from loss of life and limb;[1] the prevention of locomotive boiler explosions,[2] and the equipping of roads with auto-

[1] American Federation of Labor: *Convention Proceedings*, 1897, p. 22.
[2] *Ibid.*, 1910, p. 300.

matic stop systems.[1] The Federation has demanded also that census reports should publish statistics concerning accidents.[2] The interest in these safety measures has been intensely personal, having arisen from bitter experiences.[3] Because accidents in the mines have been frequent, the American Federation of Labor has constantly urged legislation on that subject. Since electrical workers have often been endangered through the handling of high transmission wires by incompetent workmen and through the inadequate protection of such wires, the Federation has suggested safety laws to decrease the number of accidents among this group in its membership.[4] Safety enactments covering all sorts of establishments have been urged, especially for those workers who have been subjected to unusually great risks through the failure of employers to protect dangerous machines.[5]

The remedies demanded have been specific safety laws, such as the compelling of owners and operators to cover dangerous machines or parts, and the licensing and restriction of various sorts of workers on dangerous machinery requiring skilled tenders.[6] The Federation has stressed the need of more adequate inspection of industries where the hazards are great.[7] The demand has been made that union men be given preference for the positions of inspector. Sometimes, however, the purpose has been to secure good jobs for union men rather than to insure efficiency in inspection. The Federation has also urged the establishment of a national museum of safety.[8] These various types of demands for safety legislation, while not among the problems that the Federation has considered the most pressing, have occupied a much larger space in

[1] American Federation of Labor: *Convention Proceedings*, 1912, p. 256.
[2] *Ibid.*, 1916, p. 338. [3] *Ibid.*, 1915, p. 325.
[4] *Ibid.*, 1905, p. 242; 1911, p. 356. [5] *Ibid.*, 1904, p. 145.
[6] *Ibid.*, 1892, p. 24; 1901, p. 192; 1917, p. 461.
[7] *Ibid.*, 1893, p. 65; 1900, p. 87; 1906, p. 160; 1911, p. 355; 1913, p. 304.
[8] *Ibid.*, 1912, p. 381.

its attention than simply the consideration and adoption of resolutions. The Legislative Committee of the Federation has exerted real effort, from time to time, in the attempt to secure such safety legislation in various states.

Questions of sanitation,[1] too, have received attention in the resolutions adopted by the conventions. In the early days of the organization, the conditions of tenement-house labor had some prominence in its discussions.[2] However, as the need for and the evils resulting from lack of sanitary conditions are not so apparent as the effects of accidents and of occupational diseases, the Federation has expended little effort along these lines. Occupational diseases have, naturally, received a little more attention from the Federation than sanitation, but much less than accidents and safety problems. As the need for the prevention of occupational disease is usually less apparent than that for the protection of the workers against accidents, much less has been done in this direction. However, the Federation did demand the discontinuance of the manufacture of the phosphorous match, as did many other agencies and organizations, at the time when the country was aroused on this matter.[3] Workers in special trades, also, have asked the aid of the organization in securing the enactment of various measures for the protection of the health of the workers, such as requirements for the placing of blowers in connection with polishing and buffing wheels,[4] and in picker rooms where shoddy or old mattresses are handled.[5] Union groups have asked the coöperation of the Federation in demanding the sanitary inspection of bakeries and the prohibition of cellar and sub-cellar bake-shops.[6]

[1] American Federation of Labor: *Convention Proceedings*, 1915, p. 302.

[2] Federation of Organized Trade and Labor Unions of the United States and Canada: *Convention Proceedings*, 1881, p. 21.

American Federation of Labor: *Convention Proceedings*, 1891, p. 33.

[3] American Federation of Labor: *Convention Proceedings*, 1911, p. 306.

[4] *Ibid.*, 1893, pp. 36, 37.

[5] *Ibid.*, 1914, p. 495.

[6] *Ibid.*, 1893, p. 33; 1895, p. 60.

Workmen's Compensation

Partly to penalize the employer refusing to accept these standards of safety, sanitation, and protection from disease, and to force him to abide by the laws enacted, and partly, also, to afford assurance of some compensation to the injured employee, the American Federation of Labor has urged workmen's compensation laws. We find demands for an Employers' Liability Act in the supplement to the platform adopted by the earliest conventions of the Federation.[1] From that time on, the organization has steadily favored such laws, as the many resolutions adopted show.[2] Not only has this been a matter concerning which resolutions have been adopted, but it has been the subject of a constant campaign on the part of the Federation.[3] In 1909, the Federation prepared four bills on the subject, embodying the following points:

1. A bill to amend the law relating to the liability of employers for injuries to their employes within the states.
2. A bill to provide compensation (automatically) for accidents occurring to employes of the United States Government. . . .
3. A bill to provide compensation (automatically) for accidents in dangerous occupations subject to the jurisdiction of the United States, and without the necessity of litigation therefor.
4. A bill to regulate *all* interstate and foreign commerce in relation to accidents and to provide compensation (automatically) without the necessity of litigation therefor.[4]

The Executive Council reported two years later:

The American Federation of Labor has for years called public attention to the need of effective remedies. It has registered its

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[1] Federation of Organized Trade and Labor Unions of the United States and Canada: *Convention Proceedings*, 1881, p. 2; 1882, p. 4.

[2] American Federation of Labor: *Convention Proceedings*, 1882, p. 15; 1889, p. 23; 1913, p. 277; 1914, p. 322; 1918, p. 114.

[3] For references concerning the Federation's constant agitation of this matter, see the American Federation of Labor: *History, Encyclopedia, Reference Book*, pp. 408–411.

[4] American Federation of Labor: *Convention Proceedings*, 1909, p. 27.

protest in a formal but emphatic way before Congress and the officials of the government, calling specific attention to the need of satisfactory Employers' Liability laws, and urging the enactment of workmen's automatic compensation laws. This agitation has been persistently carried on since, finally developing a great educational system by which the American Federation of Labor has been practically the clearing house for information to the people on detailed information covering these subjects.[1]

A further step was taken in advance in 1914, when the Federation decided that "one-half of wages is inadequate as a basis for compensation payments; . . . and . . . compensation on a basis of not less than two-thirds of the average daily or weekly wages" was insisted upon.[2]

It will be seen that the American Federation of Labor has spent much more effort upon compensation than upon the matter of safety laws and safety devices. In this, its reasoning has probably been sound. Safety engineers generally have said that the pressure of the compensation laws and the cost of accidents and accident insurance have been largely responsible for the employers' realization of the extent of industrial accidents and of the necessity for greatly decreasing their number and severity, with the hope of finally eliminating them.[3]

Compensation legislation, in the United States, was not enacted until twenty-five years after the American Federation of Labor first urged such measures. Then the first step was embodied in a law, passed in 1908, granting compensation to certain classes of civil employees of the federal government. The American Federation of Labor was active in pressing this measure. The second law, enacted in 1910 in the state of New York, was declared unconstitutional. In 1911, laws were passed in several states and were upheld by the courts. After that time, many people were interested in compensation legislation. Partly

[1] American Federation of Labor: *Convention Proceedings*, 1911, p. 133.
[2] *Ibid.*, 1914, p. 81.
[3] John R. Commons: *Industrial Goodwill*, Chapter VI.

through the continued efforts of the Federation, the federal government adopted a new and much more comprehensive law in September, 1916. In January, 1920, forty-two states and the three territories of Alaska, Hawaii, and Porto Rico, in addition to the federal government had workmen's compensation laws upon their statute books.[1] The provisions varied widely. In some states, the majority of the industries were covered, while in others, only a few. Some laws provided fairly adequate benefits, with no time of waiting before the injured employee should be entitled to compensation, while others granted very small sums or allowed for a non-compensable waiting period before the worker could receive compensation. In some states the employer was compelled to carry insurance and in others he could assume the risk himself. So the Federation, at the beginning of the year 1920, was still in advance of much of the legislation, though, in some places the standards which it set forth were met by the law.[2]

[1] See the article on Workmen's Compensation, in the *Monthly Review*, the United States Bureau of Labor Statistics, Jan., 1920, p. 230.

[2] The Federal law of 1916, providing compensation for all civil employees, included reasonable medical, surgical, and hospital services and supplies; compensation for disability of more than three days; for total disability, $66\frac{2}{3}$ per cent of the monthly pay during the continuance of the disability; and, for partial disability, $66\frac{2}{3}$ per cent of the difference in wage-earning capacity due to such disability.

In California, to choose one state for illustration that was among the first to enact a compensation law, all industries are covered except agriculture and domestic service. The entire cost rests on the employer. The compensation for death includes burial expense up to one hundred dollars, and, to wholly dependent persons, the payment of a sum three times the annual earnings of the deceased, amounting, in all, to not less than one thousand or more than five thousand dollars, and payable, at least monthly, in installments equal to 65 per cent of the wages. Death compensation to partial dependents is to be in general three times the annual contributions made. Compensation for disability includes reasonable medical, surgical, and hospital treatment, with the payment of 65 per cent of the wages during the period of incapacity and a benefit for permanent disability. Insurance is required. The state is one of the insurance carriers, competing with private companies at cheaper rates and yet operating with a reasonable return on the investment.

Compulsory Health, Old-Age, and Unemployment Insurance

In striking contrast to the determined stand of the American Federation of Labor on workmen's compensation, is its attitude toward old-age pensions, health, and unemployment insurance. The organization has approved of mothers' pensions.[1] It has demanded that provision be made for those in the government service,[2] urging the retirement of old employees on pensions, because, "the compensation of the Government employees of the United States is insufficient to permit of adequate savings against old age." [3] State insurance of a voluntary character has been endorsed.[4] The Federation has, in general, however, vehemently protested against any sort of compulsion in the matter of insurance, save the requirement that the employer insure against accidents. Compulsory health insurance and old-age pensions have been opposed and branded as Socialistic. Agitation for state measures of this character, the Federation has declared, have "originated with an organization that is neither responsible to the wage-earners nor representative of their desires." [5] It has said:

> The measures were formulated without consultation with the wage-earners and introduced in legislatures with professional representatives of social welfare as their sponsors. The measures themselves and the people who present them represent that class of society that is very desirous of doing things for the workers and establishing institutions for them that will prevent their doing things for themselves and maintaining their own institutions. . . .
>
> We are not unmindful of the needs of the workers, and the ills from which they suffer; our unions have, to a large extent, provided for social insurance in cases of sickness, unemployment,

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[1] American Federation of Labor: *Convention Proceedings*, 1911, pp. 357, 358.

[2] *Ibid.*, 1917, p. 352.

[3] *Ibid.*, 1916, p. 265.

[4] *Ibid.*, 1905, p. 179.

[5] *Ibid.*, 1916, p. 144.

superannuation and death. A number of the unions have provided for other forms of insurance, such as traveling and tool insurance. We uphold that the installation of social insurance by governors of our states and of the United States of a voluntary character, supplemented by such insurance extended by the trade unions, will make not only for our movement's being helpful to the toilers in their times of need and stress, but, in addition, better than all, maintain the fundamentals of justice and freedom. It is something not yet generally understood how essential it is for the labor movement of our country to maintain the fullest freedom of normal activities and [remain] free from supervision, censorship, direction and control of governmental agencies.[1]

Again the Federation has averred:

Simultaneously with the advent of compensation laws came the introduction of systems of physical examinations. Industrial controllers, in their desire to reduce liability, are insisting upon ever increasing rigidity in physical examinations and excluding from employment those who show even non-essential defects. It is well known that able-bodied, skilled workmen have been dismissed from employment at the recommendation of the company physicians, who found in them the disease of unionism and diagnosed the cases under convenient professional terms.[2]

A few such instances as those described above, in which the medical profession has been used in the contest between the employer and the union, instances of which, unfortunately, there have been many in the past, have sufficed to arouse the suspicions of the workers regarding health insurance.

The attitude concerning health insurance seems, however, to be changing. The American Federation of Labor has, in the past, contended that "for the prevention of diseases there is no agency more effective than high

[1] American Federation of Labor: *Convention Proceedings*, 1916, pp. 144, 145. See also "Voluntary Social Insurance vs. Compulsory," *American Federationist*, May and June, 1916, pp. 333–357, 453–466.

[2] Grant Hamilton: "Trade Unions and Social Insurance," *American Federationist*, Feb., 1917, pp. 122–125.

wages." [1] It has believed it to be "a grave danger to place in the hands of the government powers which would necessarily result from governmental compulsory health insurance with all the powers vested in the government incidental to and in the enforcement of health insurance." [2] But at the 1918 convention there was evidenced a growing tendency to regard health insurance in the same light as workmen's compensation. At that time the Executive Council reported:

> The organized labor movement approved the enactment of workmen's compensation legislation. Their approval of that legislation was based upon the theory that when the earning power of a worker was impaired by reason of an industrial accident, that he or his dependents should be compensated during the time he was suffering from said injury. The same rule holds good when the worker becomes incapacitated through illness — particularly illness due to trade or occupation. He and his family suffer through the impairment of his earning power just the same when he is ill as when he sustains an injury. The organized labor movement of America ought to formulate a program upon this subject.
>
> We therefore recommend to this convention that it authorize the Executive Council of the American Federation of Labor to make an investigation into the subject of Health Insurance, particularly as it applies to trade or occupational disease. If approved a model bill be formulated and reported to the A. F. of L. for approval. We urge that as part of such legislation there should be embodied fundamental principles of democratic administration and guarantee to the workers of an equal voice and equal authority in the administration of all its features. . . .
>
> The investigation and recommendations should extend to methods and agencies for the prevention of industrial accidents and diseases. Efforts to establish a preventive policy should

[1] Grant Hamilton: "Trade Unions and Social Insurance," *American Federationist*, Feb., 1917, pp. 122–125.

[2] Samuel Gompers: *American Federationist*, Jan., 1919, pp. 35, 36. Mr. Gompers also declared: "Place in the hands of the government the right to determine who is or who is not entitled to governmental insurance to determine the regulation and conduct of every man insured, then it means that the government has the power with all the force at the command of the government to enforce the decrees or regulations."

precede and supplement efforts to establish remedial agencies.[1]

The leaders and the health insurance committee have not made up their minds on the vexing question. Many state federations of labor have come out for state health insurance. Some of them have actively promoted such measures in their various legislatures. The sentiment of many influential labor men all over the country has strongly favored such enactment. The officials of the Federation have given heed to their arguments but have not been able to consent to go on record as definitely approving of health insurance.[2]

Perhaps, in the matter of health, as in the case of accident insurance, legislation will come slowly. American workingmen have received high wages as compared with those of European laborers, and have therefore had some measure of independence. The organized workers have thus been able to help their members out of their dues and from their benefit funds. Many organizations have, for years, insured their members. Many of them have carried sickness as well as accident and health benefits. So many were considering the installation of benefit or insurance features and had written for advice to the American Federation of Labor that the Executive Council, in 1914, formulated a skeleton plan for the administration of such funds. Therefore, a great many of the unionists have not personally felt the need of state health insurance or its value in reducing sickness among all workers. It is often the stronger and more conservative unions with large funds in their treasuries that, because of the security of their members, see no need for state insurance. Also, the officials of the American Federation of Labor have mainly come from these older and stronger unions.

[1] American Federation of Labor: *Convention Proceedings*, 1918, p. 94.
[2] *Ibid.*, 1919, pp. 144, 145.

These leaders are just beginning to realize that compulsory health insurance, like compensation for accidents, is valuable not only to assist the sick person and his family, but to force upon the attention of the worker, of the employer, and of the whole community the possibility of preventing much of the sickness from which individuals now suffer. Health insurance, which by some is thought to be in about the same relative position as accident compensation was in 1910,[1] should give the same impetus to the public health movement that workmen's compensation has given to the safety movement. Significant, therefore, are the recommendations of the various health insurance commissions that favor such measures. Those of Ohio and Pennsylvania, great industrial states, which come out strongly in favor of such insurance, are of particular significance.[2]

Turning from health insurance to old-age pensions, we find that the American Federation of Labor has taken a firm stand against the latter. It has feared that such pensions would be an argument in the hands of the employer who did not want to raise wages. It has believed that if

[1] See article by John A. Lapp, "The Findings of Official Health Insurance Commissions," *The American Labor Legislation Review*, March, 1920, pp. 26–40.

[2] The recommendations of the Ohio Health Insurance Commission are in part as follows:

"I. The principle of health insurance is approved as a means of distributing the cost of sickness.

"II. Health insurance should be required for all employees, to be paid for by employers and employees in equal proportion. The state should pay all costs of state administration as in the case of the workmen's compensation act and all costs of supervision of insurance carriers.

"III. The benefits to workers under health insurance should consist of: (a) cash payment of a part of the wages of workers disabled by sickness; (b) complete medical care for the worker, including hospital and home care and all surgical attendance and the cost of all medicines and appliances; (c) adequate provision for rehabilitation, both physical and vocational, in coöperation with existing public departments and institutions; (d) dental care; (e) medical care for the wives and dependents of the workers if the same can be done constitutionally, and the burial benefit for the worker." Ohio Health, Health Insurance, and Old-Age Insurance Commission: *Report*, 1919, pp. 17, 18.

the state took care of the individual when he was old, by means of pensions, one of the great sources of reproach against low wages would be removed; that if the worker need not fear for his old age, the employer could keep wages down accordingly. Also, the members of the American Federation of Labor have hoped that, through organization, they could gain wages sufficient to keep themselves in their later years. They prefer bank accounts and other personal sources of income to old-age pensions. They hate the stigma of charity which, they believe, attaches to the latter. Here again, however, it is of interest to recall that the individualistic attitude of the American Federation of Labor is being superseded in Ohio,[1] a strong labor state, by a sense of social responsibility toward all the aged. The fear that such measures will restrict the freedom of the trade unionist is disappearing before the actual operation of state compensation laws and the realization of the needs of other groups in society besides those in the trade unions.

There are also certain questions in regard to unemployment whose solution the American Federation of Labor has, at times, sought through legislative methods. There were, especially in the earlier days of the organization, demands for the development of public works on the part of cities, states, and the federal government during great

[1] The recommendations of the Ohio Commission are in part as follows:

"I. The state should provide for the payment of a weekly pension not exceeding $5.00 per week, to all persons over 65 years of age, but the combined pension and income of any such person shall not exceed $350 annually. . . .

"III. A voluntary system should be established and administered at the expense of the state so that individuals may purchase annuities not to exceed $10 a week by regular payments or by lump sum purchase.

"IV. A person 65 years of age or over who qualifies for a pension, but does not take his pension until later, should receive the deferred pension, computed from the date of qualification, as an annuity when he does go on the pension roll. Such deferred pension shall not be considered in determining the amount of income as provided in section I."

Ohio Health, Health Insurance, and Old-Age Insurance Commission: *Report*, 1919, pp. 18, 19.

periods of depression and unemployment. During one such period of distress the Federation averred that, "The right to work is the right to life, . . . to deny the one is to deny the other. . . . When the private employer cannot or will not give work the municipality, state or nation must." [1] But the emphasis, even at such times, was on the demand for public works "because they are needed, not because it may furnish work." [2] Projects before Congress were endorsed, however, because they would provide work during times of stress. Suggestions were made during the building of the Panama Canal that, on account of industrial depression, none but citizens be used.[3] The demand was made that the census should include statistics concerning the number of unemployed.[4] Even temporary lodgings and food for those out of work were urged in 1915, as a result of the severe period of unemployment at the outbreak of the war. A resolution adopted at that time instructed the Executive Council "to prepare measures to be introduced into Congress, State Legislatures and municipalities, which shall provide for the erection of buildings in which unemployed may find lodgings during the winter months and in which they shall be supplied with nourishing meals while unemployed." [5] Legislation to protect idle workmen from vagrancy laws was urged.[6] Most of all, the regulation of private agencies and the establishment of a federal employment service were demanded.[7]

During normal times, however, the American Federation of Labor has not urged or even discussed such measures as these for handling the problem of unemployment. It has not looked to the state for the solution of the difficulty, but has relied on other methods.[8] It has, consequently, opposed

[1] American Federation of Labor: *Convention Proceedings*, 1893, p. 37.
[2] *Ibid.*, 1912, p. 355.
[3] *Ibid.*, 1903, p. 205.
[4] *Ibid.*, 1889, pp. 16–19.
[5] *Ibid.*, 1915, p. 313.
[6] *Ibid.*, 1918, p. 229.
[7] *Ibid.*, 1914, p. 357.
[8] For a discussion of the methods which the American Federation of Labor believes to be most effective for handling the problem of unemployment, see Chapter III.

state unemployment insurance, on the grounds that it is inadequate, that it is charity, and that it may give to the enemies of the unions too great control over the employing of the worker.[1] But when the problem has become too acute and of proportions too great to lie within the scope of the powers of the Federation, the organization tends to call on the government for support. Even at such times, however, this is only a minor item in the legislative program of the Federation, only the subject of a few resolutions, and not of active effort.

Regulation of the Use of Force during Labor Disputes

Protection, through legislation, from another sort of difficulty has been sought by the American Federation of Labor, in its demand for laws regulating the use of force during times of labor difficulties. The Federation has opposed the hiring of armed guards by private concerns with the knowledge, if not the sanction, of state and city officials. It has urged "the affiliated bodies and Trade Union men in general to use their best efforts to secure such legislation in the various states of the Union as will forbid the hiring and the employment of armed bodies of men by private persons or private corporations for any purpose or under any name whatsoever." [2] The swearing-in of private detectives, whom organized labor considers strike-breakers, with the powers of police in enforcing laws and keeping order during times of strikes, has seemed "unbearable" to labor.[3] The Federation has believed that the militia is "seldom used save for the purpose of ostentatious show . . . in labor struggles, . . . a machine of monopolistic oppression of labor." [4] It has, therefore, urged the

[1] See Chapter III.

[2] American Federation of Labor: *Convention Proceedings*, 1906, pp. 228, 229.

[3] *Ibid.*, 1909, p. 241.

[4] *Ibid.*, 1892, p. 12.

enactment of laws declaring various detective agencies illegal,[1] and finally urging their abolition.[2]

The hatred of the American Federation of Labor for the militia and for private detective agencies can, to some extent, be realized from statements made at conventions and by Federation officials during times of labor disputes. It has been said again and again that the militia and private detectives "can be used by capitalists as an engine of destruction in the subjugation of the working people";[3] that "workmen have thus been arrayed against workmen and ordered to shoot down their comrades";[4] that they "brutalize and terrorize the [workers] . . . and their families most shamefully";[5] and that their "viciousness and disregard for law and human life have been so flagrant as to attract the attention of both press and public."[6] The state sends its forces out, labor believes, to "knife" it during the strike, at the time of its greatest need. Therefore, the American Federation of Labor has made the fight against detective agencies and against the militia one of the important items in its program.[7]

The Union Label

Finally, it is essential to discuss the legislation demanded by the Federation to protect its members against certain kinds of competition. The organization has desired that the union label should have legal protection, as the trademark of union labor.[8] In the early days of the Federation

[1] American Federation of Labor: *Convention Proceedings*, 1886, p. 7; 1912, pp. 258, 259.

[2] *Ibid.*, 1918, pp. 230, 231.

[3] *Ibid.*, 1904, p. 204.

[4] *Ibid.*, 1904, p. 204.

[5] *Ibid.*, 1912, p. 258.

[6] *Ibid.*, 1912, p. 258.

[7] See Mary Tupper Jones: *The System's Hand*, a book describing strike-breaking agencies and activities, endorsed by organized labor. Also the series of articles in the *New Republic* for February and March, 1921, on "The Labor Spy."

[8] American Federation of Labor: *Convention Proceedings*, 1888, p. 29; 1891, p. 29; 1810, p. 39; 1910, p. 325.

this was an important item in its program. To-day, however, such protection has been secured in nearly all of the states, and there is agitation of the matter only in the states that do not have such laws. The great efforts throughout the country, therefore, in behalf of the label, are not legislative but educational. The organization has, from the beginning, found it necessary to spend much energy in educating its members and the general public to use the label. As a matter of fact, union men are not, on the whole, vitally interested in buying union-made goods, unless they represent brands that fit or suit them best, or that they are in the habit of buying. There are exceptions, as in the matter of union-made overalls, for example, but these are relatively few. The label has not on the whole been greatly successful in directing the buying of the union man where his personal needs are concerned. It has, however, in some cases, been very successful, when placed on material where it assists in carrying out the boycott. Examples of this may be found in certain cities where union workers, in the building trades particularly, have been strongly enough organized to be able to refuse to handle any but union-made products.

Restriction of Convict Labor

A very important item in the program of the American Federation of Labor, has been its protest against the competition of convict with free labor. One of the planks of the platform adopted at the first convention in 1881 stated:

> That it is hereby declared the sense of this Congress that convict or prison labor, as applied to the contract system in several of the States, is a species of slavery in its worst form; that it pauperizes labor, demoralizes the honest manufacturer and degrades the very criminal whom it employs; that, as many articles of use and consumption made in our prisons under the contract system come directly and detrimentally in competition with the products of honest labor, we demand that the laws providing for labor under the contract system herein complained of be re-

pealed, so as to discontinue the manufacture of all articles which will compete with these of the honest mechanic or workman.[1]

One of the eight items in Labor's Bill of Grievances, issued in 1906, read:

> While recognizing the necessity for the employment of inmates of our penal institutions, so that they may be self-supporting, labor has urged in vain the enactment of a law that shall safeguard it from the competition of the labor of convicts.[2]

This is the only item of that Bill of Grievances, according to the assertion of the Federation, with reference to which it is true that no appreciable betterment has been effected through legislation.[3]

The efforts of the Federation to secure the restriction of convict labor, where it comes into competition with that of the free workingman, have been constant and varied. The emphasis has not been placed upon the evils resulting to the prisoner from working under the frightful conditions that exist in the workshops of some of our penal institutions. Organized labor has not been primarily interested in the virtual slavery found under some prison contract-labor systems although there has been some agitation of the matter.[4] The Federation has met the intensely personal problem of the competition of its own products with those of penal institutions. It has faced a general conviction that the prisoner should be made to work for his salt and that any price that could be obtained for the product of his efforts was just so much profit to the state. It has seen this attitude taken advantage of by people who have bought prison-made goods cheap and have sold them a little below the market rate. There has often resulted a

[1] Federation of Organized Trades and Labor Unions of the United States and Canada: *Convention Proceedings*, 1881, p. 3.

[2] American Federation of Labor: *Convention Proceedings*, 1906, p. 76.

[3] *Ibid.*, 1918, p. 114.

[4] Federation of Organized Trade and Labor Unions of the United States and Canada: *Convention Proceedings*, 1883, p. 8. American Federation of Labor: *Convention Proceedings*, 1890, p. 36.

forcing down of the general price and, with it, of wages. The general public has usually accepted the situation indifferently and has bought prison-made goods as readily as union products.

The Federation has fought with all its might against this "degrading competition." [1] It has demanded that prison-made goods should be so branded; [2] that prisoners be paid their earnings after deduction has been made for the expenses of their individual maintenance; [3] that convict-made goods should not be sold in competition with the products of free labor,[4] but that prison labor be used only for the manufacture of such articles as are required in the various State penal or correctional or eleemosynary institutions." [5] The members have been warned to watch for the union label on goods of a type manufactured in prisons.[6] The Federation has urged an eight-hour day for convict labor and even the limiting of prisoners to handwork, so that they may not turn out goods in such quantities as to be any serious factor in the market.[7] The Federation has also exerted its efforts, on various occasions, in states where the competition of convict labor has been worst.[8] It has, at other times, tried to secure federal legislation,[9] even demanding the inclusion of a convict-labor provision in the peace treaty.[10] So constant and varied have the efforts of the Federation been to secure legislation dealing with the problem of convict labor that, in recognition, President Gompers was awarded its gold medal by the National Committee on Prison Reform, in 1919.[11]

[1] American Federation of Labor: *Convention Proceedings*, 1891, p. 51.
[2] *Ibid.*, 1893, p. 51. [3] *Ibid.*, 1891, p. 51. [4] *Ibid.*, 1899, p. 85.
[5] *Ibid.*, 1897, p. 77. [6] *Ibid.*, 1903, p. 176.
[7] Report of Committee on Convict Labor, American Federation of Labor: *Convention Proceedings*, 1897, p. 77.
[8] American Federation of Labor: *Convention Proceedings*, 1899, p. 105; 1901, p. 153; 1910, p. 297.
[9] *Ibid.*, 1910, p. 344.
[10] *American Federationist*, Dec., 1919, pp. 1139, 1140. [11] *Ibid.*

Here the organization has been face to face with a special handicap, an evil condition arising from the unwilling competition of its members with persons under the control of the government. The only way to secure redress has been to alter that particular piece of governmental machinery. Exactly the same problem, though of minor extent in the labor field and of small importance in the program of the Federation, has been faced by civilians, who have found themselves in competition with enlisted men. The latter, who are on the pay-roll of the government, can afford to perform outside work at lower rates than can those whose livelihood depends on the same occupation. While the concrete problem has involved mainly the musicians, the Federation has feared the principle and the possibility of the spread of the practice, and has, therefore, urged laws prohibiting such competition.[1]

Sweat-Shop Labor

Another type of competition which the Federation has opposed has been that of the sweat-shop. Realizing that the competitive strength of the labor group in a particular industry tends to be equal only to the strength of the weakest members of the group,[2] the Federation has opposed sweat-shops, and tenement house and home work. Its main weapon against these evil conditions of labor has been organization of the workers. However, it has endorsed and even exerted effort to secure laws prohibiting this type of work. It has militated especially against tenement-house cigar making and the worst evils of the clothing trades.[3] Demands for legislative prohibition of these conditions have been made, especially in the earlier years of the Federation. To-day, however, this is not an important

[1] American Federation of Labor: *Convention Proceedings*, 1898, p. 69.

[2] R. F. Hoxie: *Trade Unionism in the United States*, p. 287.

[3] American Federation of Labor: *Convention Proceedings*, 1884, p. 18; 1891, p. 33; 1892, p. 38; 1893, p. 46; 1896, p. 49.

item in the program of the organization. Public sentiment, aroused by the Federation and by such organizations as the Consumers' League and the American Association for Labor Legislation, has caused the enactment of laws dealing with some of the gravest of these evils, and has demanded their enforcement. Moreover, labor organizations have grown stronger and have been able to force better conditions, at least for their own membership, through collective bargaining.

Restriction of Immigration

The Federation has, on the other hand, consistently and strongly urged legislation in its fight against the competition of the immigrant and especially of the Asiatic. The platform adopted at the first convention in 1881 included a plank demanding Chinese exclusion.[1] Labor's Bill of Grievances of 1906 contained two planks relative to this subject, one of them, a request to Congress for "some tangible relief from the constantly growing evil of induced and undesirable immigration," and the other the demand for "an effective Chinese exclusion law."[2] Throughout its entire history these have been among the most supremely important items in the program of the Federation. The problem is closely connected, in the mind of the trade unionist, with that of low wages, because of the lower standards of living of the immigrant. The membership of the American Federation of Labor considers immigration responsible for over-supply of labor and, consequently, for unemployment. Moreover, recent immigrants have often been used as strike-breakers, and so have been hated as scabs. Consequently the Federation, which is primarily interested in the standards and welfare of its own members, believes that there "is no question but that unrestricted

[1] Federation of Organized Trade and Labor Unions of the United States and Canada: *Convention Proceedings*, 1881, p. 4.

[2] American Federation of Labor: *Convention Proceedings*, 1906, p. 76.

immigration is working great injury to the people of our country." [1] On the other hand, many Federation members or their parents have been immigrants, and the organization naturally wants to give opportunity to foreign labor to enjoy the benefits of America, in so far as the coming in of immigrants does not injure the American workingman.

The Federation's demands for the restriction of immigration have taken different forms at various times, depending upon the particular aspect of the problem that has been uppermost in the labor or the general social consciousness. These included, in the earlier days of the organization, agitation for and protests against the violation of laws to prevent the "importation of foreign laborers under contract." [2] Especial instances in point were the discussion of the importation of immigrant labor by the State of South Carolina, in 1906; [3] of Dowie's Zion City lace makers; [4] of skilled mechanics for various industries needing them; [5] and of musicians.[6] At other times, the Federation opposed the employment of aliens on government works, in Hawaii,[7] or the Panama Canal,[8] and in the building of army and naval stations.[9]

Again, agitation for the restriction of immigration has taken the form of a demand for a moderate literacy test,[10] because, "while this regulation will shut out hardly any (northern Europeans) it will shut out a considerable number of Southern Italians and Slavs and others equally or more undesirable and injurious." [11] On the other hand, the Federation has protested against the deportation of immigrants, which "might mean the handing of them over

[1] American Federation of Labor: *Convention Proceedings*, 1892, p. 14.
[2] Federation of Organized Trade and Labor Unions of the United States and Canada: *Convention Proceedings*, 1881, p. 3.
[3] American Federation of Labor: *Convention Proceedings*, 1906, p. 236.
[4] *Ibid.*, 1900, pp. 129, 130.
[5] *Ibid.*, 1901, p. 149.
[6] *Ibid.*, 1910, p. 300.
[7] *Ibid.*, 1912, p. 264.
[8] *Ibid.*, 1914, p. 354.
[9] *Ibid.*, 1915, pp. 239, 240.
[10] *Ibid.*, 1908, p. 166.
[11] *Ibid.*, 1902, p. 21.

to a brutal autocracy." [1] It has demanded that the restriction of immigration "shall not apply to persons convicted of or advocating the commission of offenses purely political . . . [because this] . . . would deprive of the right of asylum champions of liberty in countries suffering from political oppression, in which resistance to tyranny is classed as felony." [2] The organization has urged education in citizenship for the foreign-born and extension of the activities of the Bureau of Naturalization.

During the European war, however, the American Federation of Labor became convinced that immigration should be wholly prohibited for a period of years after the war. To this end, the officers of the Federation exerted their efforts to secure the passage of a bill prohibiting all immigration of aliens to the United States for four years.[3] The recommendations of the Committee on Legislation on this matter, adopted by the Convention, were as follows:

> Contrary to the propaganda fostered and encouraged by the employing interests the problem confronting our people is not one of emigration but of immigration. While it may be true that during the war all immigration ceased, it is equally true that a number of years will necessarily elapse before the industries of our country will have reabsorbed all the discharged soldiers, sailors and war workers under conditions commensurate with the more advanced standards of compensation for service rendered.
>
> While our immigration laws may be designed to prevent those persons coming to our shores who have little or no faith in our institutions, it is equally essential that our immigration laws are so molded as to prevent unemployment of the workers, which in itself causes so much friction and misery in our industrial relations.
>
> Your committee . . . therefore . . . favors the approval of legislation suggested by the Executive Council for the prohibition of immigration for a fixed number of years and especially during the period of readjustment.[4]

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[1] American Federation of Labor: *Convention Proceedings*, 1908, p. 171.
[2] *Ibid.*, 1916, pp. 294, 295.
[3] *Ibid.*, 1919, pp. 121, 364–368.
[4] *Ibid.*, 1919, p. 364.

The bill passed in 1921, restricting immigration to three per cent of the population of each nationality already in the United States in 1910, was endorsed by the Federation.

Asiatic Exclusion

In the matter of the immigration of the Chinese and other Asiatics the Federation has, from the very beginning, constantly and vehemently demanded complete exclusion. At one convention the statement was made that,

> All organized labor is a unit on this question because every incoming coolie means the displacement of an American worker and the lowering of the American standard of living. It represents so much money sent out of the country. . . .
>
> We cannot afford to trifle with a race so utterly unassimilative.[1]

Indeed, so bitterly opposed to Chinese immigration was the American Federation of Labor that it formed a special committee on Chinese Exclusion, in 1901, before the expiration of the Chinese Exclusion Act, in 1902, whose sole duty was to urge Congress to pass a stricter law to keep out members of that race.[2] "To permit them to come into the country is a treason to our civilization and our races," stated one convention of the Federation.[3] When a new exclusion act was passed, the effort was made to cover the Philippine Islands and the work on the Panama Canal, and to extend the Act to the Japanese and all other Asiatics.[4]

Thus, year after year, the note of protest against the admission of all Asiatic labor grew stronger until the "Gentlemen's Agreement" with Japan. Even at the time of the shortage of labor during the war, the American Federation of Labor was unwilling to allow the importation of Chinese because,

[1] American Federation of Labor: *Convention Proceedings*, 1901, p. 22.
[2] *Ibid.* See also Samuel Gompers: *The Reason for Chinese Exclusion; Meat vs. Rice.*
[3] American Federation of Labor: *Convention Proceedings*, 1902, p. 145.
[4] *Ibid.*, 1906, p. 207.

the mere championing of such a cause, doomed though it be to failure from the start, could only be construed as an attempt to tear down the high standards of the American workingman and substitute those of the Chinese.[1]

Interesting, therefore, was the address of Mr. Suzuki, the Japanese delegate to the annual convention of the Federation, in 1919, in which he urged the development of mutual understanding between the American and Japanese labor movements by the yearly exchange of fraternal delegates and the sending of Mr. Gompers on a visit to Japan.[2] In response to his suggestion, the Committee on International Labor Relations reported:

> There are many reasons that will appeal to this convention why the workers of Japan should be organized in the trade union movement and a better understanding in so far as fundamental principles are concerned had with the workers of America.
>
> We therefore recommend that the request made that President Gompers visit Japan also be referred to the Executive Council for its consideration and compliance if the duties of President Gompers will permit.[3]

It would seem from this recommendation that the Federation is beginning to realize that the protection of the American worker from the competition of cheap Asiatic la-

[1] There has been for some time an effort to create a sentiment favorable to the suspension or abrogation of the law prohibiting the immigration of Chinese coolie labor. . . . Our nation is already confronted by an unsolved race problem that is acute and exigent in many localities. It would be an inexcusable error of judgment to intensify the present involved situation by a still further addition of racial complications. . . .

If your observation has led to a study of the heterogeneous elements of America's population, you must have come to the conclusion that we have before us a tremendous task to weld these elements into a homogeneous whole, an essential characteristic of a nation. . . .

Organized labor is unalterably opposed to the modification of the Chinese Exclusion law in order to permit Chinese coolies to enter this country, no matter for what purpose. (Samuel Gompers, American Federation of Labor: *Convention Proceedings*, 1918, pp. 111, 112.)

[2] American Federation of Labor: *Convention Proceedings*, 1919, pp. 279, 280.

[3] *Ibid.*, 1919, p. 280.

bor is not secured solely by preventing the latter's immigration to America, and that low standards in another country may have their effect on the workers of the United States.

Summary

This group of problems, therefore, which the American Federation of Labor is attempting to solve by legislative means concerns the working conditions of all labor, including the trade unionists themselves, when brought face to face with certain circumstances. For women, children, seamen, and government employees, the Federation urges legislation covering all of their working problems, i.e., wages, hours, and general conditions of labor. The questions dealt with in this chapter, however, concern only conditions of work and not hours or wages. In the first group of problems analyzed in this chapter, the Federation finds itself dealing with the questions that are too broad and too widespread to be met by any method of bargaining with the individual employers. Safety, occupational disease, unemployment, and the part to be played by state troops during labor disputes, are nation-wide problems. They cannot be settled by bargaining. They need nation-wide attention on the part, not only of individual working groups and employers, but of the entire public. Investigations must be made and devices and standards must be developed before adequate solutions are possible. The only way to make investigations and to develop devices and standards on a sufficiently large scale is through nation-wide activity. They are genuinely public matters.

Again, in the matter of protection of the trade unionist against the competition of certain groups that tend to undercut him, we find a problem too great to be handled by the method of bargaining. The issue concerns the entire policy of the government toward these groups. Collective bargaining cannot control the state's attitude toward the convict nor that of the Federal Government

toward the immigrant. The forces are too great for such methods. They can only be handled by changing the governmental machinery. When the trade unionist sees such problems ahead of him, he attempts to remedy the situation by the only means possible, viz., by legislative and political action. As long as his economic organization grows stronger and he sees slow but sure gains along the lines of governmental redress of particular grievances, such as those noted above, he is content to continue the present program.

CHAPTER VI

GENERAL SOCIAL LEGISLATION SOUGHT

The American Federation of Labor has also been interested in legislation of a general social character. Judging by the resolutions presented to and adopted by the annual conventions, the interests of the membership of the Federation have included a wide range of questions in the economic, political, and social field. Narrowing these down, however, to the measures actually pressed by the organization, we find the latter to be rather few in number. Since great problems, vitally connected with the working conditions of its members, have faced the Federation, it is not strange that little time or effort has been left for matters of a more general nature. There have been occasions in the history of the Federation, however, when these general social problems have been closely in the line of the workers' vision of their own needs.

Education

The question of education is one in which the Federation has been deeply interested. The platform adopted at the first convention, in 1881, contained a plank favoring the passage of laws to "enforce by compulsion the education of children." [1] At that time, too, the Federation realized that education was closely bound up with the prohibition of child labor.[2] Since then there have been frequent discussions, in the conventions of the Federation, of many phases of the problem of education. Resolutions have been adopted concerning such a wide range of subjects as the

[1] Federation of Organized Trade and Labor Unions of the United States and Canada: *Convention Proceedings*, 1881, p. 3.

[2] *Ibid.*

training of school children in "the science of government";[1] the education of adults in citizenship;[2] free evening classes in the public schools;[3] free textbooks for school children;[4] free State universities, where textbooks, tuition and laboratory work should be free;[5] higher education of the blind;[6] and the reëducation of the injured.[7] Also, constant efforts have been made by the Federation to cause both the state and the federal governments to increase their expenditures for education. But the foregoing have not been the most important items in the Federation's program for education.

Next to the question of compulsory education, which to-day occupies little place in the activities of the Federation, because of the extent of state legislation in the matter, the great problem in the mind of the labor leaders has concerned the sort of training which the child is to receive. The attention of the Federation has been centered on the problems of technical and vocational education. The organization has distrusted and feared vocational education, believing that this may be a tool of the "capitalists" to single out and train the children of the laborers to become good machine tenders, and thereby, incidentally, to develop a caste system in America. It has realized, however, that technical training in the processes of the trade which he intends to follow would greatly benefit the child. Many unions, for this reason, demand periods of apprenticeship. But the Federation has also wanted to give the child the opportunity to become something other than a hand worker, if he so desires, and it has believed that industrial training may prevent this. The great opposition of the Federation, however, has been directed toward "the so-called 'trade school,' which has attempted to teach a

[1] American Federation of Labor: *Convention Proceedings*, 1887, p. 30.
[2] *Ibid.*, 1892, p. 45.
[3] *Ibid.*, 1893, p. 37.
[4] *Ibid.*, 1900, p. 115.
[5] *Ibid.*, 1915, p. 321.
[6] *Ibid.*, 1900, p. 86.
[7] *American Federationist*, Jan., 1918, pp. 60, 61.

short cut to the trade and which, on some occasions, has been used as a weapon against the trade-union movement." [1]

At the 1908 Convention of the Federation, a resolution was adopted to investigate and report on industrial education. As a result, a committee was appointed. It made a report in 1910 which was reprinted by the federal government.[2] The committee studied apprenticeship systems and industrial and vocational schools, both public and private, in the various states of the United States and in Europe. The report contained a digest of enactments by various states on the subject, and the attitude of some employers and workers toward the matter. In its recommendations, the committee endorsed supplemental technical education, and stressed its importance. It declared that,

> The economic need and value of technical training is not to be disregarded, and cognizance should be taken of the fact that throughout the civilized world evening and part-time day technical schools enroll twenty pupils to every one who attends the other types of schools.

It commended the continued development of trade-union schools, for supplemental trade or for higher education. It favored the establishment of schools for technical industrial education, at which children from 14 to 16 years of age could be trained. It stressed the importance of keeping such schools under the public educational system, since they were of general interest. It advised against private schools of this nature, especially those that were promoted, financed, or controlled by employers.[3]

[1] *Report on Industrial Education*, published by the American Federation of Labor, p. 62.

[2] "Industrial Education": *Report* of the Committee on Industrial Education of the American Federation of Labor, edited by Chas. H. Winslow. 62nd Congress, 2nd Session, No. 936.

[3] *Report* on Industrial Education of the American Federation of Labor, edited by Chas. H. Winslow. 62nd Congress, 2nd Session, No. 936, pp. 14, 15.

The 1918 Convention considered the recommendations of the Executive Council on the matter of education "among the most important of its entire report." [1] These included the demand for better compulsory-education laws in many states; better school administration in many states, with labor represented on the state and local boards of education; consideration of the establishment of a Federal Department of Education; and supervision of federal efforts in the field of vocational training.[2] The problem of part-time education was also discussed.[3] The Convention added a long program, including demands for the development of vocational guidance; better normal schools; the teaching of industrial history and of the privileges and obligations of intelligent citizenship; English classes for foreigners; requirements for the teaching of English to children in all schools, both public and private; playground facilities; medical and dental inspection; special classes for subnormal children; better enforcement of compulsory education laws; the wider use of the school plant; increased appropriations for schools; better salaries for teachers; and tenure of position for teachers during efficiency.[4] It recommended, in addition, the simplification of the courses of study, drastic reduction in the size of classes; and diversified training in the upper years of the elementary school.[5]

In addition, the Federation showed further interest in the problems of education by including in its organization many public school teachers. The Chicago Teachers' Federation was a member of the Chicago Federation of Labor from 1902 to 1917, the date of its unwilling and formal severance of relationship with the latter body at the

[1] American Federation of Labor: *Convention Proceedings*, 1918, p. 320.
[2] *Ibid.*, pp. 95–97, 320. [3] *Ibid.*, pp. 97–98.
[4] *Ibid.*, pp. 320, 321.
[5] *American Federationist*, Aug., 1919, pp. 694–695; see also "Resolutions of the American Federation of Labor: on Scientific Research," *Science*, July 4, 1919, vol. 50, No. 1279, p. 15.

behest of the Board of Education. The national organization, known as the American Federation of Teachers, established in 1916, grew rapidly with the aid of the American Federation of Labor, so that in June, 1920, it reported 104 locals.[1]

The Use of the Ballot

Another public matter, which has been the subject of much discussion and effort on the part of the American Federation of Labor, has been the use of the ballot. The Federation has been interested in the extension of the suffrage to the District of Columbia and has repeatedly proposed that Congress be urged to grant this privilege to the residents.[2] It has also favored women's suffrage.[3] The organization was more interested in this problem in its early history. As the agitation grew more general, the Federation showed less interest; but endorsed it again when the matter came up for a final vote.[4] Labor has, on the other hand, spent much time and effort on the question of the initiative, referendum, recall and direct primary,[5] because it believes that,

> The present monopoly of the law making business by the legislatures of the various states is the source of all the forms of monopoly that oppress labor and rob the public.[6]

The Federation has repeatedly called the attention of its members to these measures, explaining their function and value to the membership through the American Federationist and the Weekly News Letter. It has worked for laws on these measures whenever they came up.[7] It has

[1] American Federation of Labor: *Convention Proceedings*, 1920, p. 41.
[2] See, for example, *ibid.*, 1897, p. 28; 1906, p. 235; 1910, p. 265.
[3] *Ibid.*, 1891, p. 16.
[4] See, for example, *ibid.*, 1918, p. 232.
[5] *Ibid.*, 1907, p. 337. [6] *Ibid.*, 1900, p. 75.
[7] *American Federationist*, Series of articles on the Initiative, Referendum, and Recall, by S. Gompers, Aug. to Dec., 1912.

urged that Constitutional amendments be submitted to the voters on their petition,[1] and that the initiative and referendum be embodied in the Constitutions of the various states.[2] It has seen in the direct primary, initiative, referendum, and recall an opportunity for its membership really to influence legislation, to initiate measures in which they were interested and more directly to reward friends and punish enemies.[3] These measures fit so well into the legislative program launched in 1906,[4] that the Federation has exerted great effort to bring them to pass.

Annexation of Territory

Another public question, which, however, is of a political rather than a legislative nature, in which the American Federation of Labor has been deeply interested, has concerned the annexation of territory. The problems which the Federation faces in this matter are closely akin to those of immigration.[5] Two motives have entered into the determination of the Federation's policy of opposition to the annexation of territory. One consideration has been the feeling of common cause with the people of the territory in question. The Federation has been absolutely opposed to subjecting them to capitalistic or imperialistic exploitation. Therefore, it has consistently opposed intervention in Mexico.[6] It has stated that, "the attempt to divert the thought and interest of the American people from the wrongs that need attention at home, by occupy-

[1] American Federation of Labor: *Convention Proceedings*, 1903, pp. 207, 208.

[2] *Ibid.*, 1912, p. 379.

[3] The Federation has not, however, favored the referendum in the conduct of its own affairs. It has found that method too slow and unwieldy and the electorate often too careless and uninformed about the matter in question to make the referendum an effective instrument when critical questions arise.

[4] See Chapter II. [5] See Chapter V.

[6] American Federation of Labor: *Convention Proceedings*, 1912, p. 256; 1918, p. 258.

ing them with foreign complications of any kind is. . . criminal folly." [1]

But another strong motive has determined the Federation's policy of non-intervention. The great opposition to annexation has arisen from the fear of the lowering of standards through the competition of the poorly paid workers of the territories under consideration with American workmen.[2]

When the annexation of Hawaii was under consideration, the Federation declared that this step

> would be tantamount to the annexation of a slave state . . . it would add 50,000 Mongolian laborers . . . and would be the stepping stone for the influx of many more.[3]

Since the annexation of Porto Rico and Hawaii the Federation has put forth every effort possible to better the condition of work on the Islands. It has urged investigation of the conditions there,

> especially in the questions affecting education, health, and sanitation, economic and living conditions of the working masses of Porto Rico; . . . and to ascertain if it is true that the federal, as well as the organic law has been continually violated by the big corporations which exploit the people of the island.[4]

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[1] "The Future Foreign Policy of the United States," editorial, *American Federationist*, Sept., 1898, p. 139.

[2] Mr. Gompers has expressed that fear in the following terms:

"Individuals in the American labor movement, who had been forced to see the danger to American workers through the masses of Mexican workers . . . because of their enforced low standards . . . began to appreciate how closely the problems and welfare of the workers of the two countries were identified. . . .

"When the A. F. of L. declared against the wisdom of annexing Hawaii, it was based on the high principle of American republican institutions as well as fear of the dangers which the toilers of our country would be threatened by coolie slave contract labor." *American Federationist*, Aug., 1916, pp. 633–652.

[3] American Federation of Labor: *Convention Proceedings*, 1898, pp. 92, 93.

[4] *Ibid.*, 1915, p. 185.

It has accepted delegates from and urged the development of unions in the Islands, maintaining paid organizers there. It has demanded the enactment of legislation for the protection of the workers of the Islands, especially for the abolition of the contract system,[1] and for the protection of the unions against the interference of United States' officials in strikes.[2] It has voiced protests against the maltreatment of workers in these territories,[3] and has demanded citizenship for the natives of the Islands.[4] The Federation has believed that the problems of the small independent and dependent states have direct bearing on the welfare of all of the workers of the United States. It has, therefore, from the nineties up to the present time, urged the recognition of the rights of these states.

Federal Financial Problems

There have also been many other social problems that, from time to time, have come to the attention of the American Federation of Labor. Some of them have received little more than passing notice from the organization, because its efforts have been directed elsewhere. Some of them have engrossed its attention for a time and then have been dropped, as conditions have changed. They cover a wide range of economic, political and social subjects.

Among these general social problems there are some that, at times, have greatly agitated the Federation, causing it to exert itself actively. The questions centering about money, banking, and the tariff are of this nature. Typical of the sort of discussion that is violent and heated for a time and then is forgotten was the controversy over bimetallism in which the Federation approved of the double standard during the sixteen to one debates in the nineties. The Federation advocated "free silver," believ-

[1] American Federation of Labor: *Convention Proceedings*, 1899, p. 85.
[2] *Ibid.*, 1900, p. 30. [3] *Ibid.*, 1902, p. 155. [4] *Ibid.*, p. 226.

ing that the passage of such a bill would "relieve the present monetary stringency."[1] In the report of the 1898 convention it was stated that "bimetallism is so strongly entrenched in the labor movement that it is not necessary at this time to debate the question."[2]

The Federation has been interested in the question of government expenditures and has decried extravagance in the use of government funds.[3] Such expenditures have been largely paid for by the people with moderate incomes, including the workers, for upon them the incidence of the taxation has borne most heavily. Consequently, the Federation has emphasized the need of care in these matters. Income and inheritance taxes have been favored by the Federation, also, because they tend to place a greater share of the burden of taxation upon those better able to bear it.[4]

The tariff and internal revenue duties also have received some discussion. The platform of the Federation, in 1881, urged the protection of American industries.[5] But the attitude of the organization on this matter soon changed completely. After rather lengthy discussion of the subject, it was decided, at the Convention in 1882, that the platform should not include this item as it meant an increase in the price of commodities. In 1883, the Amalgamated Association of Iron and Steel Workers would not join the American Federation of Labor because the latter had passed the resolution opposing the tariff the year before.[6] Other re-

[1] American Federation of Labor: *Convention Proceedings*, 1898, p. 63.

[2] *Ibid.*, pp. 63, 64.

[3] For example, see American Federation of Labor: *Convention Proceedings*, 1895, pp. 14, 15. "The greatest crime of the 19th century was that of the present administration in adding to the bonded indebtedness of the country in time of peace. . . . The American Federation of Labor should show its disapproval and provide against the repetition of . . . this great crime."

[4] See American Federation of Labor: *Convention Proceedings*, 1906, p. 159; 1907, p. 336.

[5] Federation of Organized Trade and Labor Unions of the United States and Canada: *Convention Proceedings*, 1881, p. 3.

[6] *Ibid.*, 1883, pp. 18, 19.

quests from special unions for the Federation's approval of a protective policy for some particular industry have, since that time, always met with denial.[1]

From the beginning, also, the Federation has been keenly interested in the establishment of Postal Savings Banks [2] and their extension, to be of larger service to the masses of the people.[3] Throughout its history the attitude of the Federation toward financial measures has resulted from intensely personal experiences. The members have suffered from the high cost of living, and various attempts have therefore been made to remedy the situation. It has been immediate needs and not theory that have caused labor's interest in these matters. The greater the pressure of the need and the more clearly the workers have seen the connection between present evils, too great to be easily borne, and some form of legislative relief, the more insistently has the Federation pressed the demand.

The United States Department of Labor

The Federation has been interested also in the United States Department of Labor. One of the items in Labor's Bill of Grievances of 1906 [4] demanded that the House Committee on Labor really represent the interests and desires of the worker.[5] Later, the establishment of a Department of Labor, separate from the Department of Commerce, was advocated. Since its inauguration, the new Department has had the coöperation of the Federation. The organization has urged the making and publishing of industrial investigations by the states and by the federal government.[6] But when Mr. Gompers was offered a place on the Federal Industrial Commission, he refused it, saying that it "placed the A. F. of L. in a more independent position

[1] American Federation of Labor: *Convention Proceedings*, 1900, p. 122.
[2] *Ibid.*, 1897, p. 28; 1905, pp. 88, 89. [3] *Ibid.*, 1913, p. 276.
[4] See Chapter II.
[5] American Federation of Labor: *Convention Proceedings*, 1906, p. 77.
[6] *Ibid.*, 1897, p. 68; 1912, p. 256.

and increased the likelihood of the passage of laws in the interest of labor" for him so to do.[1] The Children's Bureau also and the Bureau of Women in Industry, under the Department of Labor, were demanded by the American Federation of Labor, as well as by many other organizations. However, labor has not always been satisfied with the work of the Department. Disaffection was particularly felt during the federal activities against labor in the latter part of 1919 and early part of 1920, when the Department seemed unable to protect the unions against efforts tending to their destruction, and when the Immigration Bureau, under the Department of Labor, was active against labor agitators.

Regulation of Large Industries

The organization has at times worked earnestly along the lines of regulation or control of large public industries. It has protested against the liberal granting of franchises to public service corporations.[2] It has been actively interested in the problem of rate fixing and the powers of the Interstate Commerce Commission in this respect,[3] fearing perhaps that it would turn to fixing wages. It has urged the adoption of a parcels post system,[4] as a measure directed against the large express companies. It has desired government ownership of the telegraph and telephone lines, probably largely because these are great public service corporations that have been bitterly opposed to labor organizations, while in the Post Office, the service most nearly like them, the employees have been extensively unionized.[5]

Miscellaneous

Housing is another social problem that the Federation has considered in resolutions. The organization has sug-

[1] American Federation of Labor: *Convention Proceedings*, 1898, p. 16.
[2] *Ibid.*, p. 124. [3] *Ibid.*, 1905, p. 117. [4] *Ibid.*, 1906, p. 156.
[5] *Ibid.*, 1893, p. 36; 1895, p. 53; 1918, pp. 202, 245.

gested the discussion by municipalities, states, and the federal government of better housing plans,[1] including stricter building laws. It has advocated government loans for municipal and private housing plans and for better housing for some special groups of federal employees, such as those doing construction work.[2] During the war, when the problem of housing federal employees in Washington became acute, it urged government action on the matter.[3]

Closely allied to these problems are those of land and natural resources. Here, we find several types of effort on the part of the Federation to control the situation by legislative means. In its earlier history the organization opposed the selling of public land in large tracts; suggesting that the land be retained as federal property to be used in the future for the interests of the citizens generally.[4] It once even adopted a measure favoring land taxes.[5] It has also recommended the passage of homestead laws by the various states. The conservation of natural resources,[6] and the disposition of public waterway rights have received some attention.[7] The Federation has desired to prevent unwise government expenditure for river and harbor projects.[8]

There has been some discussion of public health legislation. The Federation has endorsed the recommendations of several state federations urging public provision for the care of tuberculous persons.[9] Some stand has been taken on the question of pure food, particularly in the matter of clean dairies and bakeries.[10] There are, in addition, many other problems of a general social nature that have come

[1] American Federation of Labor: *Convention Proceedings*, 1904, pp. 203, 204.

[2] *Ibid.*, 1908, p. 175.

[3] *Ibid.*, 1918, p. 230.

[4] *Ibid.*, 1901, p. 148; 1902, p. 225.

[5] *Ibid.*, 1912, p. 379.

[6] *Ibid.*, 1914, p. 346.

[7] *Ibid.*, 1913, p. 389, (*re* the Hetch-Hetchy Bill).

[8] *Ibid.*, 1910, p. 254.

[9] *Ibid.*, pp. 261, 262.

[10] *Ibid.*, 1906, p. 349.

before the Federation, from time to time, for whose solution it has suggested legislation. It has, for example, gone on record as favoring mothers' pensions.[1] It has opposed capital punishment.[2] It has asked executive clemency and has given support to men imprisoned in connection with labor disturbances.[3]

Summary

Only the more striking or fairly typical examples of the desire for social betterment through legislation have been mentioned here. The mere enumeration of all of them would require too much space. Moreover, resolutions adopted do not necessarily show the active demands of the Federation, but only the types of legislation brought to the attention of the convention by some of its delegates and approved by that body.

Those mentioned above do, however, comprise most of the items on its general program for social legislation that have been urged by the American Federation of Labor. They are significant because of the scope of the legislation desired. It is also of interest to note that the number of resolutions and the amount of discussion of all of these subjects, to say nothing of the amount of effort to secure legislation on their behalf, is not great, comparatively speaking. If one excepts two or three questions, such as education, the annexation of territory, and the movement for the popular control of government, there are left only questions which do not bulk large in the activities of the Federation, in comparison with its exertions concerning some of the measures for the protection of certain working groups or for the protection of its own members against certain evil conditions of labor. Either these are matters in which the organization seems not to have been suffi-

[1] American Federation of Labor: *Convention Proceedings*, 1911, pp. 357, 358.

[2] *Ibid.*, 1895, p. 38.

[3] *Ibid.*, 1917, p. 459.

ciently interested to expend much effort, or they have been more or less ephemeral, flaring up and demanding much attention for a time, and then forgotten. It is significant, also, that most of the feeling concerning these matters is intensely personal. They are problems that have arisen out of the living and working condition of some of the trade unionists.

PART III

THE LAW AND POLITICS IN THE FEDERATION'S PROGRAM

CHAPTER VII

ATTITUDE TOWARD THE LAW

The program of the American Federation of Labor that has been outlined, with its clear distinction between the demands and desires of labor that are to be sought by legislation and by political activity and those to be gained through collective bargaining, is the result of a very definite attitude on the part of the organization toward the law and toward political machinery. This attitude is undoubtedly due, in part, to a feeling of the Federation similar to that of many employing groups, that do not care to be too greatly hampered by legal restrictions. Perhaps both sides want more for their group than any generally applicable law would allow them. But another and probably more potent cause of the dependence of the organization upon economic rather than upon political action is the belief of the trade unionist that the law, as administered, is generally unduly favorable to the employer. Since the organization does not trust the law and the government to secure for it some of the gains that seem to it most essential, it is needful, in a study of this sort, to seek to discover the reason for this feeling toward established authority. In this chapter, therefore, the attempt will be made to analyze the Federation's attitude toward the law and legal machinery and, in the succeeding chapter, toward our political system and political party action.

In considering the attitude of the Federation toward the law, it is unnecessary to enter into a comprehensive analysis of the law as it relates to employer and employee. Such a discussion would carry us too far afield from the main purpose of this inquiry, which does not deal primarily with the question whether the law in its relation to the

employer and employee is in fact more or less favorable to one group or the other, but with the beliefs of the Federation concerning the partiality or the impartiality of the law. Moreover, treatises on the character of the law and on the nature of its decisions as between the worker and the employer are available.[1]

Status of the Worker before the Law

It has been pointed out that the law in its treatment of employer and employee is in many respects archaic and at the same time uncertain.[2] In his relation to his employer, the worker inherits legal traditions built up around the relationship of master and servant.[3] When one man became the servant of another, not only was he bound by the contract with the master, but his status became fixed in law. The wage contract, therefore, has historically been different from the price contract. When a worker is hired by an employer, he is bound by the mass of laws that define and limit that relationship. The Federation has been anxious to alter this body of legal tradition and improve the status of the worker. In the worker's opinion, the legal safeguards and restrictions are no longer just. He feels that they do not represent public opinion. Indeed, they do frequently bind the worker by restrictions built up under far different industrial conditions, while the safeguards built up under those same conditions are no longer adequate. The desired change in status of the employee,

[1] See, for example, John R. Commons and John B. Andrews: *Principles of Labor Legislation.*
Lindley D. Clark: *The Law of the Employment of Labor.*
Robert F. Hoxie: *Trade Unionism in the United States.*
Roscoe Pound: *The Spirit of the Common Law.*

[2] Robert F. Hoxie: *Trade Unionism in the United States,* Chapter IX.

[3] "The servant is bound to obey the lawful orders of his master, to be honest and diligent, not to abuse his master's confidence . . . . As the condition of the master is more advantageous than that of the servant, the servant ought to respect his master according to his station in the world." Smith: *Master and Servant,* p. 88.

moreover, has been retarded because the courts and, to a less extent, the legislatures, have been comprised mainly of persons from the master class, who have therefore not personally experienced the present consequences to the worker of the old legal forms. The law, however, is slowly changing, and this very change is characterized by many inconsistent attitudes, as the worker passes from the old status, which to-day is illogical, to the new. The worker, on the other hand, wants quickly to break through this vast body of precedent.

The American Federation of Labor wants to secure the worker's release from the status of servant; but this is not all. It desires also that labor be granted a new status; it demands power. Some of the affiliated unions seek monopolistic control of their jobs. In this demand is to be found such justification as there is for the Industrial Workers of the World's designation of the American Federation of Labor as a "job trust." This desire for power and for control over the conditions of his work antagonizes some who would be ready to see the worker freed from the old status of servant. Moreover, before he can secure a new position, it is essential that a new legal attitude toward the worker be formulated. It is not sufficient to decry the old standards. New ones must be created. The emphasis in the United States, so far, however, has been on the negative rather than on the positive side. Organized labor in America has clearly seen the evils of the old standards, but has not been able so clearly to define new standards.[1]

Opposition of the Federation to the present administration of the law has centered about a few main questions.

[1] For example, the legal recognition of the worker's "right to the job" entails many difficulties. It involves the property rights in his business which are granted to the employer to-day. It also involves the mobility of labor. Will the unions sacrifice the worker's freedom to leave a job, whenever he desires, for the sake of security? It is one thing to discuss these as abstract rights and quite another to enact legislation that will safeguard the rights of both sides in the matter.

It has opposed the legal protection of property as against personal rights and the consequent use of the injunction, the attempts by legislation to limit or prohibit the strike, the application of the doctrine of conspiracy to trade-union activities, court interpretation of laws, and the power of the Supreme Court to declare laws unconstitutional. It is consequently around these questions that our discussion of the attitude of the Federation must center.

Legal Protection of Property as against Personal Rights

In the first place, one great aspect of the law with which the Federation takes issue is the extent of the legal protection of property. The law safeguards not only the tangible, but also the intangible property of the employer, such as business and the good will of his customers, which, as often as his actual industrial plant, are the objects of the employer's concern, when he secures an injunction during labor difficulties.[1] The trade unionist, on the other hand, considers that his job is entitled to as much legal protection as the business of the employer. Yet nowhere is he guaranteed a property right to his job. The right of freedom of contract, while essential to labor, does not touch this problem. Freedom of contract implies that labor is the workingman's capital, which it is his right to employ or dispose of as he pleases, except where such a proceeding would be against public policy.[2] This gives the worker the right to accept or decline a job, if it is offered to him, and the right to leave it at any time. But it gives him no right to the job as such, no privilege of holding it against the employer's wishes, no vested interest in it. The job is at the disposal of the employer and not of the worker. Hence, establishing the claim to the job as a property right is an important item in the trade-union program. The Federa-

[1] See Robert F. Hoxie: *Trade Unionism in the United States*, p. 217.
[2] See Lindley D. Clark: *The Law of the Employment of Labor*, p. 5.

tion believes that the worker's relation to his job is as important an intangible asset as that of the employer to his business, and much more essential to the maintenance of the life of the individual. It is not the protection by injunction of the physical property of the employer, but its protection of his business, when there is no corresponding protection for the worker in his job, that makes the law seem to labor to be unjust and discriminatory.[1] The fact that an injunction may paralyze a strike at a most critical time, causing its failure, with the consequent return to work at the old wages or the loss of the job, causes the trade unionist to feel that the courts issuing injunctions are actively hostile to them.[2]

Bucks' Stove and Range Case

There have been several outstanding cases in the history of the American Federation of Labor, of decisions made against trade unions that illustrate the tendency of the law to protect the property rights of the employer during

[1] See J. R. Commons and John Andrews: *Principles of Labor Legislation*, p. 96; R. F. Hoxie: *Trade Unionism in the United States*, pp. 216, 234.

[2] "The injunction may paralyze the action of the union during the run of the preliminary or interlocutory decree even though this, on hearing, may be found to be altogether invalid. As the hearing may not take place for some weeks the cause of the union may be absolutely lost meantime, for unionists stand in great fear of injunctions. Violation even of the preliminary decree, which may be invalid, means contempt of court, and fine or imprisonment at the discretion of the judge issuing the injunction. . . . Unionists generally claim that cases involving injuries to property during such disputes should take the regular course of adjudication afterwards and that contempt cases should also be settled by jury trial." Robert F. Hoxie: Unpublished notes.

The Clayton Anti-Trust Act (see p. 187) has provided for trial by jury for contempt cases growing out of violation of injunctions in cases coming under the provisions of the Act. Section 22 of the Act, dealing with this matter, reads in part as follows "In all cases within the purview of this act, such trial may be by the court, or, upon demand of the accused, by a jury."

This Act, however, concerns only interstate commerce and does not touch such matters within the states. Its constitutionality has, moreover, not been tested in this respect.

labor contests, the effects on trade-union organizations and activities, and the consequent feeling of the worker toward the law. The first striking incident of this sort in the history of the Federation was the injunction issued, in 1907, on behalf of the Bucks' Stove and Range Company,[1] restraining the Federation from boycotting the company, which was fighting a union in the metal trades; and the contempt proceedings of 1908 against Messrs. Gompers, Mitchell, and Morrison for disobeying the injunction and continuing to publish the name of the Bucks' Stove and Range Company in the "We Don't Patronize" list of the *American Federationist*. The Federation believed that obedience to the injunction restraining it from mentioning the strike was unjust because it gave the employer great advantage and aided in the defeat of the union. In consequence the leaders replied to the injunction:

> With all due respect to the Court, it is impossible for us to see how we can comply with all the terms of this injunction. We would not be performing our duty to labor and to the public without discussion of this injunction. . . .
>
> The matter of attempting to suppress the boycott of the Bucks' Stove and Range Company by injunction . . . while important, yet pales into insignificance before this invasion and denial of the constitutional rights (of free speech and press). . . .
>
> The men composing the organizations federated in the A. F. of L. are as law-abiding, as honorable, and as upright as can be found in any walk of life.
>
> We feel it our solemn duty to defend our unions and the men connected with our movement from any insinuation that they are lawless or that they are associated together for any unlawful purpose. . . .
>
> We cannot stop; we must go on.[2]

The court responded with jail sentences against Messrs. Morrison, Mitchell, and Gompers of six and nine months and a year, respectively, for contempt of court, on the

[1] Bucks' Stove and Range Co. *vs.* American Federation of Labor, 35 Wash. L. Rep., 70 Alb. L. J. 8.

[2] Editorial, *American Federationist*, Feb., 1908, pp. 98–105.

ground that "if a party can make himself a judge of the validity of orders which have been issued, and by his own act of disobedience set them aside, then are the courts impotent, and what the Constitution now fittingly calls the 'judicial power of the United States' would be a mere mockery." [1] Naturally, this did not tend to lessen the senes of injustice in the minds of labor.[2]

It has seemed to the Federation that the courts have deliberately sided against them in the issuance of injunctions to prevent picketing and other union activities in connection with labor disputes. Nor can one be surprised, when one considers the results. An injunction can break a strike by preventing activity necessary to its pursuance at a critical moment in its progress. Even though the injunction should not be upheld by a higher court, the union is liable to contempt for violation of the injunction. The union and the courts are thinking in different terms, as the remarks by each side concerning the contempt proceedings in the Bucks' Stove and Range case show. Justice and right have for them connotations that seem irreconcilable. The courts have the power of enforcing their ideal of right and justice, and so, since 1908, the

[1] Gompers *vs.* Bucks' Stove & Range Co., 221 U. S. 418, 31 Sup. Ct. 492.

[2] "An unprejudiced, impartial judgment might well have deferred a decision in a contempt case alleging violation of an injunction while an appeal upon the validity of the injunction itself was pending and was being considered for decision by a higher court, and further, . . . the unprecedented sentences imposed were entirely in conflict with the spirit and plain provision of the constitution as being cruel and unusual. The language and manner of Justice Wright in delivering his opinion upon the guilt of the men charged with disobeying the terms of the injunction, the fact that he had given his opinion, or permitted it to be given out in advance, the whole mockery and formality of asking them whether they had any reasons to assign why sentence should not be pronounced, when he had determined on the sentences in advance; all these, as well as the matter and manner of the arrangement for the scene and the delivery of the opinion and sentence indicated the unfitness of the man to wear the judicial robe and occupy the judicial position." American Federation of Labor: *History, Encyclopedia, Reference Book*, p. 163.

American Federationist and the *Proceedings* of the Annual Conventions of the Federation have ceased to publish a "We Don't Patronize" list. But the Federation does not believe in the justice of the court decision any more than it did at the time when the leaders incurred contempt of court by refusing to abide by the decision. It believes that "the contention of labor with the Bucks' Stove and Range Company sinks into comparative insignificance contrasted with the great principles which are at stake." [1]

Hitchman Coal and Coke Co. *vs.* Mitchell

Another type of injunction decision which has embittered labor is illustrated by the decision rendered against the miners in the case of the Hitchman Coal and Coke Company *vs.* Mitchell,[2] restraining the defendants from efforts, which, it alleged, were being made to unionize the mine after a non-union agreement had been reached following a strike. The injunction prohibited the unionization of the mine without the consent of the owners.

> The company [according to the report of the Federation] secured . . . an injunction forbidding the organizers of the United Mine Workers from even asking employees of the company if they wished to become members of the union. The company then imposed upon all employees that each enter into a 'contract' as a condition of employment not to become members of the United Mine Workers of America.[3]

The union has accepted this no more gracefully than the other decisions discussed. Such an injunction virtually outlaws the union in that vicinity. To the mind of the trade unionist, "The court's decision ignores the meaning of the trade-union movement."[4] It makes possible the

[1] American Federation of Labor: *Convention Proceedings*, 1908, p. 17.

[2] Hitchman Coal & Coke Co. *vs.* Mitchell, 38 Sup. Ct. 65. For a review of this case see U. S. Bureau of Labor Statistics: *Decisions of Courts Affecting Labor*, Bull. 152, pp. 137 ff.; Bull. 246, pp. 145–152.

[3] American Federation of Labor: *Convention Proceedings*, 1918, p. 87.

[4] *Ibid.*, p. 92.

crushing of a trade union in any locality by the same methods, and gives court sanction to the deed.

The Lever Act and the Coal Miners

The injunction restraining the miners from striking, issued in 1919 under the Lever Act, has caused great bitterness toward the courts.[1] The fact that in rendering a deci-

[1] The terms of the Lever Act of 1917 were in part as follows:

"Sec. 1. That by reason of the existence of a state of war, it is essential to the national security and defense, for the maintenance of the Army and Navy, to assure an adequate supply and equitable distribution, and to facilitate the movement, of foods, feeds, fuel including fuel oil and natural gas, and fertilizer and fertilizer ingredients, tools, utensils, implements, machinery, and equipment required for the actual production of . . . necessaries; to prevent locally or generally, scarcity, monopolization, hoarding, injurious speculation, manipulations, and private controls, affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war. For such purposes the instrumentalities, means, methods, powers, authorities, duties, obligations and prohibitions hereinafter set forth are created, established, conferred, and prescribed. The President is authorized to make such regulations and to issue such orders as are essential effectively to carry out the Provisions of this Act.

"Sec. 4. That it is hereby made unlawful for any person willfully to destroy any necessaries for the purpose of enhancing the price or restricting the supply thereof; knowingly to commit waste or willfully to permit preventable deterioration of any necessaries in or in connection with their production, manufacture, or distribution; to hoard, as defined; . . . to monopolize or attempt to monopolize, either locally or generally, any necessaries, to engage in any discriminatory or unfair, or any deceptive or wasteful practice or devise, or to make any unjust or unreasonable rate or charge, in handling or dealing in or with any necessaries; to conspire, combine, agree, or arrange with any other person, (a) to limit the facilities for transporting, producing, harvesting, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict distribution of any necessaries; (d) to prevent, limit or lessen the manufacture or production of any necessaries; or to aid or abet the doing of any act made unlawful by this section.

"Sec. 9. That any person who conspires, combines, agrees or arranges with any other person . . . be fined not exceeding $10,000 or be imprisoned for not more than two years, or both.

"Sec. 24. That the provisions of this Act shall cease to be in effect when the existing state of war between the United States and Germany shall have terminated, and the fact and date of such termination shall be ascertained and proclaimed by the President."

sion concerning wartime prohibition the President had seemed to assume that the war was over aroused in the Federation the belief that the Lever Act could no longer be considered to be in force. Moreover, statements had been made during the discussions of the Act on the floor of Congress that labor would be exempt from its provisions.[1] It is hardly fair to expect that labor should distinguish between congressional debates and the power of the courts. It is not strange that the Federation believed that it had been led to make extra exertions during the war by fair promises, which were broken as soon as the great need for its services in winning the war was over.

The fact that, while ostensibly bowing to the injunction, the miners did not go back to work shows something of their antagonism to the proceedings. It shows also the unwisdom of attempting to correct such a situation by coercive methods. Although the American Federation of Labor does not favor nation-wide strikes, and, at the beginning, showed little sympathy with the miners, the action of the government made the organization declare that the government had "invaded the rights of the miners," and that "the autocratic action of our government in these proceedings is of such a nature that it staggers the human mind."[2] This injunction was considered as a blow to the fundamental roots of trade unionism, as the following protest shows:

> The whole program for industrial betterment rests upon the *right* to strike — that which gives the worker power. Power need not necessarily be used in order to be effective — wage-earners

[1] "When the Lever Act was debated by the Congress of the United States, Senator Husting spoke upon the floor of the senate as follows:

"'I am authorized by the Secretary of Labor, Mr. Wilson, to say that the administration does not construe this bill as prohibiting strikes and peaceful picketing, will not so construe the bill, and that the Department of Justice does not so construe the bill and will not so construe the bill.'" *The New Majority*, Nov. 29, 1919, p. 11.

[2] *American Federationist*, Dec., 1919, p. 1127.

schooled in the discipline of organized labor use the strike only for justifiable causes and when all other measures have failed.

The strike is the method of aggressive militancy. This is a world of contending forces . . . . No principle or institution has been maintained which has not been protected by the power of self-defense. . . .

Knowing these things, what sort of citizens would we be if we did not resist invasion of our rights as free men? [1]

It is indeed with a feeling of sadness so deep that it cannot be adequately expressed in words that we are compelled to submit to our fellow countrymen these statements of broken pledges and violations of sacred faith.[2]

The striking miners felt themselves wronged by another aspect of the decision during the dispute of 1919 when one section of the injunction was found to forbid the use of union funds during the contest.[3] This was a new attack against labor's weapon, the strike. The main purpose of accumulating union funds is to have them available for use during a strike. Insurance features are valuable, but the maintenance of a reserve fund or "war chest" to support the members during time of strike is of far greater importance to all unions, for it enables them to hold out longer than would be possible had the members to rely on their own personal funds alone. The "war chest" has been the principal resource for making the strike effective, and the possibility of any use of the injunction to impair this resource, therefore, seriously cripples labor. It is also peculiarly offensive to the worker to realize that the employer has his own funds and often the financial backing of his Association during a labor controversy, unaffected by an injunction, and to know that the court has decided, in certain cases, that union funds may not be used. To the Federation it appears that, in the issuance of injunctions,

[1] *American Federationist*, Dec., 1919, p. 1130.

[2] *Ibid.*, Jan., 1920, p. 50.

[3] When, in 1921, the Lever Act was declared unconstitutional, the miners' funds, tied up under that Act, were transferred to take care of their indictment under the Anti-Trust Act.

the law protects the property rights of the employer while at the same time it fails to consider certain rights of the worker which labor believes to be vitally essential.[1]

The Railway Strike

Similarly, the injunction issued in 1922 against the striking railway workers in behalf of the Federal Department of Justice aroused great resentment on the part of the Federation. Not only did that injunction prohibit violence or damage to property, but it enjoined efforts to recruit the ranks of the strikers by "entreaties, arguments, persuasions or otherwise"; it prohibited even orderly and peaceful picketing; and it restrained the

[1] In spite of the hatred of the Federation for the injunction, there are two outstanding cases in which unions in the organization have used this weapon for their own purposes. The United Garment Workers of America, an organization affiliated with the American Federation of Labor, played a part in the injunction issued in Rochester in 1920 against the Amalgamated Clothing Workers of America. (Michaels Stern and Company *vs.* Amalgamated Clothing Workers of America.) The Amalgamated is the strong organization in the clothing trade and is unaffiliated with the American Federation of Labor, while the United is a weak union, bolstered up by the Federation. In this case, the employers secured an injunction prohibiting the Amalgamated from conducting a strike and demanded damages to the extent of $100,000 against the union for conspiracy to restrain their trade. In spite of the fact that this case involved principles for which the American Federation of Labor had been fighting, the United was ranged on the side of the employers in the suit against the Amalgamated. (See memorandum on the case issued by the Amalgamated Clothing Workers; also, *Report* of General Executive Board to the Fourth Biennial Convention of the Amalgamated Clothing Workers of America, pp. 49–57.)

The other case occurred in December, 1921. The International Ladies' Garment Workers Union, affiliated with the American Federation of Labor, requested and secured the issuance of a court order enjoining the Cloak, Suit and Skirt Manufacturers' Protective Association from doing anything that would violate the agreement between the Association and the Union. The officers of the American Federation of Labor, however, regarded this use of the injunction askance, stating that since the Federation did not believe in the principle of court interference in labor matters, it distrusted the injunction even when it might be of temporary benefit to the organization.

officers of the organizations concerned from the performance of their duties even in an orderly way and from the regular use of the union funds. It is scarcely a matter of surprise that the Federation considered such an act by the federal government an "outrageous" encroachment upon the rights of the workers involved and upon the very life of unionism in as much as it virtually treated the strike *per se* as a conspiracy.

Legislation to Prohibit or Limit Strikes

Naturally, the Federation has opposed legislation devised to limit labor's power to strike. The Cummins bill, brought before Congress in 1919, conceived by labor as anti-strike legislation against the railway workers, was bitterly denounced by the Federation. Labor's Bill of Grievances of 1920 declared:

> We specifically denounce the anti-strike provisions of the Cummins bill, and all similar proposed legislation, as un-American, as being vicious in character, and establishing by legislation involuntary servitude.[1]

For the same reason the Federation violently objected to the Kansas bill establishing an Industrial Court with a view to eliminating strikes. The attitude of the Federation in this matter was expressed as follows:

> Under the proposed law strikes would be made illegal. Penalties would be imposed upon men who did strike. Unions would be forced to incorporate so that their treasuries might be pillaged. Union officials would be held responsible for the acts of all the members of those unions. How easy then to make use of the *provocateur* for the purpose of convicting any especially able and aggressive union official.
>
> Under this bill it is proposed to deal with the lives of men and women as if these lives were property, as if they were so many sides of pork or bars of pig-iron in the market. They are to be made subject of court procedure. Courts, no matter what their name, are places of technicality, precedent, terrific dignity and

[1] *American Federationist*, Jan., 1920, p. 35.

ponderosity. Kansas has got something serious the matter with her.[1]

The Doctrine of Conspiracy Applied to Trade Unions

Another branch of the law which the worker finds employed against him is the doctrine of conspiracy in its application to trade unions. An analysis of this doctrine of conspiracy in its bearing upon labor organization is unnecessary.[2] It is essential for the purpose of this discussion, however, to recall that, under that doctrine, acts lawful when done by one person may become unlawful when done in combination with others, and that the motive of the act may be considered, and judgment rendered by the courts as to whether or not the motive be malice. Under this doctrine of conspiracy we find several outstanding labor cases.

The Sherman Anti-Trust Act of 1890,[3] enacted for the

[1] *American Federationist*, Feb., 1920, p. 156.

[2] See John R. Commons and John B. Andrews: *Principles of Labor Legislation*, Chapter II.

[3] The Federal Anti-Trust Law, otherwise known as the Sherman Act, reads in part as follows:

"Sec. 1. Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade, or commerce among the several states, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract, or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine, not exceeding $5000, or by imprisonment not exceeding one year, or by both punishments in the discretion of the court.

"Sec. 2. Every person who shall monopolize, or attempt to monopolize or combine or conspire, with any other person or persons, to monopolize any part of the trade or commerce among the several states or with foreign nations, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding $5000, or by imprisonment not exceeding one year, or by both punishments in the discretion of the court.

"Sec. 7. Any person who shall be . . . injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act, may sue therefore in any

purpose of breaking up the trusts, which declared illegal any combination in restraint of trade and provided threefold damages to the one injured, was held to apply to labor organizations in the case of the Danbury Hatters.[1] This case was carried twice to the Supreme Court, first in 1908, for a general decision as to the applicability of the Sherman Act to labor organizations, and second, in 1915, when that Court upheld the charge that the hatters were conspiring to restrain trade. Threefold damages against the members of the union were assessed in 1915, amounting to $240,000 and costs. Since the union was unincorporated, the court in its decision treated the organization as a partnership with the consequent unlimited liability for each member. The Sherman Act had not been particularly successful in dissolving trusts. To the Federation, its great efficacy seemed to lie in its power to hamper union activity and heavily to penalize the members of union organizations.[2]

circuit court of the United States, in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained and the costs of suit, including a reasonable attorney's fee."

[1] Loewe *vs.* Lawlor, 208 U.S. 247, 28 Sup. Ct. 301.

[2] "That labor unions which succeed are a conspiracy and a combination in restraint of trade; that human power to work shall be considered of the same nature as material commodities of trade or industry; that union funds and the individual savings and property of union members can be seized and appropriated to satisfy damages awarded against the unions; that union officers may be fined and imprisoned for executing those duties upon the performance of which 'the very essence of unionism' devolves.

"We are accustomed to refer to the Dred Scott decision as the example par excellence of juristic heartlessness in subordinating human rights to property rights. But the court interpretations arising out of this case have been more far-reaching and drastic. It has been determined that sale of hats is of more consequence than human welfare. It has been maintained that successful efforts to secure better wages and working conditions, under the Sherman Anti-Trust act are conspiracies. There have been committed into subjection, not former slaves, but supposed free men enjoying the right to life, liberty, and the pursuit of happiness. . . .

"If you can speak of a trust in labor power, you can just as well have a trust in brain power or any other human faculty — a manifest absurdity except under slave conditions.

The Clayton Anti-Trust Act

After the decision against the Danbury Hatters, the American Federation of Labor exerted great effort to prevent other decisions of a similar nature. It worked specifically for the passage of the Clayton Bill, which was enacted in 1914.[1] Upon its passage, this Act was hailed by the Federation as the greatest achievement in labor history, because it specifically exempted labor organizations from the provisions of the Sherman Bill. But labor has found the Clayton Act a weak reed to lean upon. It does not alter the much older doctrine of conspiracy, upon which most of the cases of which labor complains have been premised. It is only necessary to compare it with

"Such a decision and interpretation could only result from long isolation from the affairs and problems of the industrial world. Those who are engaged in the modern struggle against the industrial aggression of employers and for human betterment know that the trade unions are the bulwarks of liberty of the present industrial organization. To render them hopeless by confiscation, to subject their members to fines or irrational and whimsical imprisonment, only opens the way for un-American violence and anarchy. In the interests of industrial peace, of progress and of humanity, some remedy must be found. The remedy lies in legislative action. The paramount legislative issue for organized labor is the amendment or repeal of the Sherman Anti-Trust law so that we may have relief from an act never intended to apply to us. Sturdy determination, co-operation, unfaltering persistence will secure us the rights and privileges of free men." American Federation of Labor: *Convention Proceedings*, 1912, p. 132. See also, *ibid.*, 1903, p. 27; 1908, p. 20; 1913, pp. 293–294; 1915, pp. 73–77; 1916, pp. 77–78.

American Federationist, March, 1907, pp. 183–186; March, 1908, pp. 180–194.

[1] The Clayton Act reads in part as follows:

"Sec. 6. That the labor of a human being is not a commodity or article of commerce. Nothing contained in the anti-trust laws shall be construed to forbid the existence or operation of labor, agricultural, or horticultural organizations, instituted for the purpose of mutual help, and not having a capital stock, or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof, nor shall such organization, or members thereof, be construed to be illegal combinations or conspiracies in restraint of trade, under the anti-trust laws."

the English Trade Disputes Act of 1906[1] to see that the former does not alter the fundamental situation. The Sherman and Clayton Acts, also, have jurisdiction only over interstate or foreign commerce. Intra-state activities are still subject to state laws, based, in this respect, more or less on the doctrine of conspiracy.

And finally, two decisions have been rendered by the Supreme Court which have curtailed the activities of a trade union under the provisions of the Sherman Act in spite of the sections dealing with labor in the Clayton Act. In the case of the Duplex Printing Company[2] *vs.* the International Association of Machinists, the Supreme Court has decided that a "secondary boycott," "intended to obstruct or destroy the trade" of the company, especially in interstate commerce, to be a violation of the Sherman Act and not within the province of the Clayton Act.[3] The Court in making the decision, stated that the Clayton Act gave a certain immunity to Labor in striking against the employer, but did not cover a secondary strike or a boycott undertaken by a group of workers against the employer. In the case of the Coronado Coal Company,[4] the Supreme Court awarded three-fold damages against an unincorporated union on charges of conspiring to restrain trade. It decided that the organiza-

[1] The section of the Trade Disputes Act of 1906, dealing with conspiracy, reads in part:

"An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination would be actionable."

[2] Duplex Printing Company *vs.* International Association of Machinists. Jan., 1921.

[3] The Federation still believes that the Clayton Act constitutes a step in advance, particularly in its provision for jury trial in contempt cases growing out of injunction proceedings and its statement of the new philosophy, that "the labor of a human being is not a commodity or article of commerce."

[4] Coronado Coal Co. *vs.* United Mine Workers of America. June, 1922.

tion was not to be considered a partnership, as in the case of the Danbury Hatters, but as an unincorporated association. It also declared that, as the international union did not authorize, prepare for, or maintain the strike, only the local organization was legally responsible for it.[1] The Clayton Act has, therefore, not given the protection to labor organizations that it was designed to afford. Decisions such as this by the Supreme Court have led the Federation to believe that the doctrine of conspiracy is effective not in restraining the activities of trusts and employers' organizations, but only in hampering trade unions; and such a belief does not enhance its respect for the law.

The Power of the Courts

Another criticism which labor makes of our present legal methods has to do with the power of the courts. In the first place, in the decisions into which the question of motive enters, the trade unions do not realize that it is lack of understanding of labor problems and labor psychology that is primarily responsible for the rendering of the great mass of decisions against labor. They believe that these decisions are due to a willful misinterpretation of union motives. It is impossible for many outside of the labor movement to see the justice of allowing the court, usually untrained in labor problems and psychology, to decide on the motives behind the organization of the trade unions and the combined activity of its members, resulting in strikes, boycotts, and the like. It seems indefensible to consider motives at all except in cases coming under criminal law. Therefore, it is not strange that the Federation raises objections to court interpretation of its activity. Some judges are more ready than others to issue injunctions in labor disputes, and these the Federation bitterly and rather contemptuously terms, "injunction judges."

[1] For a discussion of the decision see the *Monthly Labor Review*, July, 1922, pp. 147–152.

"This one thing must be settled soon," reported the Executive Council at an annual convention, "will judges read and learn the principles of human liberty or will they devote their ability and mentality to the service of winning cases for men of wealth and line up with the exploiters and the predatory interests of the country?" [1] Again the Federation has declared that the legislatures "were more concerned with the privileges of the few than the rights of the many." [2]

In the second place labor organizations are antagonistic toward the courts because of various decisions that have been made that laws, originally framed to deal with entirely different problems, have later been held applicable to labor organizations. Examples of this have already been cited.[3] Labor believes that many laws have failed to serve the purposes for which they were originally framed, i.e., to deal with the large financial interests, and grows bitter and contemptuous of our courts when these laws have been resuscitated to regulate labor activities.

Finally, the Federation desires to limit the power of the Supreme Court to declare laws unconstitutional.[4]

[1] American Federation of Labor: *Convention Proceedings*, 1916, p. 77.

[2] *Ibid.*, 1897, p. 14.

[3] See pp. 154–157.

[4] "Take the one subheading under Constitutional Law, 'Interference with the Right of Free Contract,' and notice the decisions. Three of them hold eight-hour laws unconstitutional; two more hold statutes limiting the hours of labor unconstitutional; four deny effect to statutes fixing the periods at which certain classes of laborers shall receive their wages; another passes adversely on a statute prohibiting the practice of fines in cotton mills; another deals in the same way with a statute prohibiting corporations from deduction from the wages of employees to establish hospital and relief funds; three overturn acts regulating the measuring of coal for the purpose of fixing the compensation of miners; two hold void statutes designed to prevent the payment of employees in store orders; another passes adversely on an act requiring laborers on public contracts to be paid the prevailing rate of wages; another denies effect to an act requiring railway corporations to furnish discharged employees a statement of the causes of their removal, while another decided it unconstitutional to prevent employers from prohibiting their employees from join-

Labor, to be sure, is not alone in opposing the lodgment of such power in the Supreme Court, nor are labor organizations the sole or the chief sufferers. Nevertheless the Federation has consistently opposed this assumption of authority by that body. The fact that frequently decisions of the Court, like that handed down in 1918 concerning the Federal Child Labor Law, have been only five to four decisions on the constitutionality of the law has made such decisions particularly exasperating to organized labor,[1] as well as to many other people. The feelings of the workers have been expressed at an annual convention in the following terms:

> The lifelong environment of men may pervert their judgment, and that the environment of the respected gentlemen who even compose the justices of the Supreme Bench has been such that they have not been brought into practical and personal contact with industrial problems; that, on the contrary, their associations have largely been with business and financial men; that naturally a man absorbs most of his point of view from his environment; that it is, therefore, quite understandable that the Justices of the Supreme Court should have little knowledge of modern industrial conditions, and less sympathy with the efforts of the wage-workers to adapt themselves to the marvelous revolution which has taken place in industry in the past quarter of a century.[2]

As a result of a resolution adopted by the annual convention of 1918, a study was made of this question of the

ing unions or bringing pressure upon them to withdraw from unions to which they belong." Roscoe Pound: "Do We Need a Philosophy of Law?" *Columbia Law Review*, May, 1905, pp. 341–353.

Interesting from the standpoint of this study was the decision of the Supreme Court of Dec., 1921, in the case of Truax *vs.* Corrigan. Here the Court declared unconstitutional a statute in Arizona forbidding injunctions to prevent picketing.

[1] For example, American Federation of Labor: *Convention Proceedings*, 1896, p. 50; 1897, p. 74; 1899, p. 12; 1917, pp. 217, 411, 412.

American Federationist, "The Comfortable Bench and the Women Night Workers." March, 1907, pp. 174–176.

Ibid., "The Right to Declare Laws Unconstitutional." Jan., 1908, pp. 28–29.

[2] American Federation of Labor: *Convention Proceedings*, 1908, p. 20.

power of the Supreme Court to review legislation enacted. The conclusions, in brief, were:

It will, perhaps, not be out of place in connection with this case to call attention to the real nature of the power exercised by the Supreme Court in declaring acts of Congress unconstitutional; that is to say, whether its decision is strictly judicial or is political in character . . . . Whatever may have been in the minds of the judges, . . . both the friends and the foes of judicial control over legislative acts have been quick to perceive that in exercising such control the Supreme Court was indulging in the exercise of political or legislative power. . . .

The preliminary question was whether the Supreme Court had the power in this respect which it has exercised. We have seen that historically this was doubtful. . . .

When we consider carefully, therefore, the cases in which the Supreme Court has overruled Congress, we are brought to the conclusion that as a protection to the individual the jurisdiction has been almost a failure. As a political institution it has been frightfully dangerous. As a method of social review it has been destructive of human life. We may thus conclude that no adequate reason exists for its continuance. . . .

The court, balancing upon the one side possible social advantages, and, on the other, the rights of property, found the greater weight from a political point of view to be with the latter.[1]

The protest committee that met in Washington in December, 1919, to draw up a new bill of labor's grievances,[2] asserted,

There can not be found in the constitution of the United States or in the discussions of the congress which drafted the constitution any authority for the federal courts of our country to declare unconstitutional any act passed by Congress. We call upon the people of our country to demand that the Congress of the United States shall take action for the purpose of preventing the federal courts from continuing the usurpation of such authority.[3]

Such statements as these show something of the antago-

[1] Jackson H. Ralston: *Judicial Control over Legislatures as to Constitutional Questions*, pp. 21, 32, 35, 54. Published by the American Federation of Labor.

[2] See Chapter II.

[3] *American Federationist*, Jan., 1920, p. 36.

nism cherished by the members of the American Federation of Labor toward the system of court review of legislation. The Federation does not consider it possible to remedy this situation by urging the better drafting of laws. It sees only the necessity of limiting the power of the court.

Union Incorporation

It is because of this distrust of the law and the courts that the American Federation of Labor has refused to incorporate. In its very early history the Federation desired incorporation. It believed that thereby it would ensure to its members their "rights to the protection of their property in a like manner as the property of all other persons and societies," and "insisted upon" laws for the incorporation of "trade unions and similar labor organizations." [1] In 1886, Mr. Gompers and Mr. Edmonston appeared before the House Committee on Labor and made an argument for the incorporation of trade unions. The committee reported favorably the bill providing for the incorporation of unions, which was before the House at that time, and it subsequently became a law. Though it did "recognize the principle of the lawful character of trade unions, a principle" which the unions had been "contending for for years" it did not satisfy the leaders because it covered "only the District of Columbia and the Territories." [2] But as the organization grew to understand the law and its administration more clearly, there was a complete change in its attitude. It realized that the law that could protect the property of an incorporated body could also draw on that property, in case a judgment was rendered against it. By 1901, therefore, we find the leaders warning the membership against incorporation.[3] The action of the Supreme Court

[1] Federation of Organized Trade and Labor Unions of the United States and Canada: *Convention Proceedings*, 1881, p. 3.

[2] American Federation of Labor: *Convention Proceedings*, 1886, p. 8.

[3] "Suits for damages are now the favorite ways for antagonistic employers, induced by self-seeking lawyers, to embroil our organizations.

in the Coronado Coal Co. case, however, alters the status of unincorporated unions before the law by treating them as "unincorporated associations." [1] This may change the attitude of the Federation toward incorporation. At any rate the matter of incorporation is not a vital one to the mass of the membership. They are uninterested in incorporation rather than actively opposed to it. It is the leaders who see the implications and argue against such a measure.

Distrust of the Agencies Enforcing Laws

But not only does the American Federation of Labor distrust the law as administered to-day; perhaps most intensely of all has it resented the employment of the militia, the police, and the private detective agencies whose duty it is to enforce law during labor disputes. It has bitterly opposed the activities of the police, when they have, customarily, upheld the claims of capital in labor struggles. These public servants have been "too often controlled by forces inimical to the labor movement." [2] Until within the last few years, the Federation has refused to allow them to affiliate [3] in membership with its organization. It has op-

This only shows more clearly the wisdom of organized labor in protesting against schemes hatched for the so-called legal incorporation of trade unions. The claim is made that the trade unions should be liable for breach of contract to the employer, but employers, no matter how responsible financially, have never been required to pay damages for breaches of contracts. Few unions are guilty of breaking agreements with employers, and then there is so much injury to themselves that it obviates a recurrence of the wrong by themselves and is a lesson to other trade unions. In view of the history of former attempts to harass and destroy ameliorative movements of the workers and the confiscation of their organizations' funds, and mindful of the dangers which lurk . . . in the meshes of suits at law in which employers could hire the best legal talent obtainable; with prejudices still too largely existing against the purposes of our movement, we feel justified in urging the prevention of the passage of any law, no matter how deftly drawn, for the incorporation of trade unions." American Federation of Labor: *Convention Proceedings*, 1903, pp. 90, 91.

[1] See p. 157–158.

[2] American Federation of Labor: *Convention Proceedings*, 1897, p. 43.

[3] See "Police as Strike Breaking Agents," editorial, *American Federa-*

posed the militia,[1] because the troops have frequently been called out to "quell disturbances" in time of strikes. Labor leaders say that the "militia of several states is now seldom used save for the purpose of ostentatious show in labor struggles,"[2] and that it is "a machine of monopolistic oppression against labor."[3] The Federation has even recommended to the affiliated unions that they discourage the enlistment of their members in the National Guards of the various states.[4]

The Federation has also done everything in its power to prevent the use of armed guards or private detective agencies during strikes. Especially has it fought the importation of non-residents and their use as peace-officers during labor disturbances.[5] It believes that "any body of men formed to act as spies or thugs for corporate monopolies with the extraordinary privilege of moving about from one state to another in plying their nefarious trade of overawing peaceful laborers into submission to degrading conditions of servitude" should not be tolerated and certainly not sanctioned by law.[6] It maintains that the men sent by pri-

tionist, Jan., 1914; pp. 444–446. "The American Cossack, The Best Yet Invented Strike Breaking Institution," *American Federationist*, June, 1916, pp. 467–469.

[1] "During industrial disputes the militia has been called upon to support the authority of those who have desired to enforce martial law, while the courts were open and civil authorities competent to maintain supremacy of civil law.

"We declare that the militia of our several states should be organized and controlled by the democratic institutions of our country, so that this voluntary force of citizen soldiery may never be diverted from its true purpose and be used to jeopardize or infringe upon the liberties of our people." Report of Committee on Militarism, American Federation of Labor: *Convention Proceedings*, 1916, p. 383.

[2] American Federation of Labor: *Convention Proceedings*, 1892, p. 12.

[3] *Ibid.*

[4] See article on "Militarism *vs.* Industrialism," *American Federationist*, April, 1894, pp. 27, 28.

[5] American Federation of Labor: *Convention Proceedings*, 1886, p. 9; 1892, p. 32; 1906, p. 228, 229.

[6] *Ibid.*, 1885, p. 15.

vate detective agencies to put down labor troubles, who often have an unsavory past, could not wield the power against labor, even to the point, sometimes, of committing violence against strikers and picketers, without the sanction of the state, city, or town officials.[1] This belief does not increase the Federation's respect for or its loyalty to those in authority, whose duty it is to interpret and enforce the law. And when, as in rare cases, not only the political and judicial agencies seem biased against labor, but the respectable and prominent citizens of the community band together, seemingly, to oppose the trade unions, then the organization feels indeed that the workers have no chance to submit the righteousness of their cause to the general public. One only needs to remember the violence found by public investigation to have characterized the labor disturbances in Ludlow, Colorado, in 1914,[2] and in Lawrence, Massachusetts,[3] in 1912, and again in 1918, to understand the effect that such occurrences, even though rare, have in coloring the whole point of view of the trade unionist toward the agencies which are supposed to be established for justice and the protection of all.[4]

Summary

From this brief analysis of the Federation's experience with the interpretation of the law by the courts and its enforcement by those duly appointed for such work, we can

[1] For an unofficial account of labor's attitude on this matter see *The System's Hand*, by Mary Tupper Jones.

[2] See United States Commission on Industrial Relations: *Report on the Colorado Strike*, by George P. West.

[3] See *Report on Strike of Textile Workers in Lawrence, Mass.*, in 1912. 62d Cong., 2d session, Document No. 870.

[4] Concerning a mine strike in Idaho, "They were cruelly and inhumanly treated, held without trial awaiting the pleasure of the authorities whether they shall be tried or set at liberty. The whole proceeding is so outrageous as to bring a blush of shame to the cheeks of every liberty loving American." American Federation of Labor: *Convention Proceedings*, 1899, pp. 11, 147.

understand something of the distrust of the law that has developed among the membership of the organization. The cause of the antagonism is clear. The methods which the Federation has chosen for remedying the situation are significant. In endeavoring to control the administration of laws which concern labor, the policy of the Federation has been largely negative. There has been no attempt to establish the legal right of trade unions to existence and to enlarged activity comparable to the British Trade Disputes Act of 1906.[1]

[1] The British Trade Disputes Act of 1906 reads in part as follows:

1. *Amendment of Former Act.*

"An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

2. *Peaceful Picketing.*

"(1) It shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.

"(2) Section seven of the Conspiracy and Protection of Property Act, 1875, is hereby repealed from 'attending at or near' to the end of the section.

3. *Removal of Liability for Interfering with another Person's Business.*

"An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the gound only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labour as he wills.

4. *Prohibition of Actions of Tort Against Trade Unions.*

"(1) An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court.

"(2) Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for by the tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute.

5. *Short Title and Construction.*

"(1) This Act may be cited as the Trade Disputes Act, 1906, and the

The emphasis has been placed, instead, on the protection of trade unions from the effects of laws rather than on the enactment of new ones, legalizing labor organizations and their essential activities. This accounts for the restriction of its legislative activities to the problems of special groups, unable to obtain their desires through collective bargaining and to the special situations met by the trade unionist, which he cannot solve by other methods. It is also the reason for the attitude toward incorporation, which is significant for the purpose of this study because it illustrates the Federation's desire to keep out of the reach of the law. The organization claims that its activities are outside of the court's domain.

Until the present time, the result of the treatment received by labor at the hands of the legislative bodies and the courts, which seem to close the avenue of protection of the law and legal machinery to the worker, has been to turn the attention of the Federation to lobbying. Believing that the legislatures, the courts, and the machinery for carrying out the laws are unfavorably disposed toward it, the organization holds to the policy of rewarding its friends and punishing its enemies. It does not want to overthrow the machinery of government or even to establish a new political party, but simply to place its own friends on the benches.

Trade Union Acts, 1871 and 1876, and this Act may be cited together as the Trade Union Acts, 1871 to 1906.

"(2) In this Act the expression 'trade union' has the same meaning as in the Trade Union Acts, 1871 and 1876, and shall include any combination as therein defined, notwithstanding that such combination may be the branch of a trade union.

"(3) In this Act and in the Conspiracy and Protection of Property Act, 1875, the expression 'trade dispute' means any dispute between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment, or the terms of employment, or with the conditions of labour of any person, and the expression 'workmen' means all persons employed in trade or industry, whether or not in the employment of the employer with whom a trade dispute arises; and, in section three of the last-mentioned Act, the words 'between employers and workmen' shall be repealed." 6 Edw. 7, chap. 47.

It has endeavored to secure the suspension or recall of judges who have opposed labor in word or deed,[1] or has worked against their reëlection.[2] It has made recommendations to the President respecting the appointment of Judges for the Federal courts.[3] It has urged the initiative, referendum and recall as steps toward the more democratic control of the machinery for making and enforcing laws and for keeping judges and officials close to the will of the electorate.

Surely in the face of the Federation's problems arising from flaws in the law and its administration this is a conservative policy. It is also a very slow one. It has proved slower than the plans of labor's rivals to outwit it. The economic and numerical strength of the organization is growing, but its legal rights and privileges seem everywhere to be jeopardized. If the Federation's policy is successful, we are allowing a group in society to act according to its own ideas of right and wrong without any reference to the machinery which we have built up for the administration of justice. By thus tolerating or abetting these extra-legal activities, we are fostering a group with different social ideals from those expressed in the law. If the code of this group is wrong, according to our social standards, we are weakening our machinery of justice; if it is right, we are impoverishing our body politic by failing to incorporate the results of labor's efforts into our legislative machinery.

The Federation believes that its policy of securing legislation through lobbying and of directing the rest of its efforts toward economic organization is succeeding. If, however, such a policy seems to fail because of adverse legal decisions or the hostility of Employers' Associations, the Federation will be driven to further activity. The Socialists believe that this further activity will be along political

[1] American Federation of Labor: *Convention Proceedings*, 1893, p. 32; 1916, p. 367.

[2] *Ibid.*, 1912, p. 359; 1917, p. 260.

[3] *Ibid.*, 1909, p. 208.

party lines. The leaders of the Federation are continuing along the lines of economic organization stating that "the only purpose now served by legal policies and doctrines of this nation is to drive both employers and workmen to resort to more subtle and less open methods in responding to economic laws and industrial tendencies."[1] It is essential to consider the arguments advanced by those urging the Federation to engage in political activity and the reasons advanced by the leaders of the Federation for continuing their time-honored policy.

[1] Speech of Matthew Woll, before National Civic Federation, Feb. 14, 1921. This belief is also expressed in the following words by the organ of a radical labor group, which believes that the tactics of the American Federation of Labor are doomed to failure:

"If the technical defense fails, if there is no escape in law or fact, the second course becomes imperative — not to get caught. That does not mean cessation of . . . activity, nor the least change of propaganda. It means to keep down the toll of victims by change of . . . methods of propaganda." Editorial, *The Communist*, Nov. 29, 1919.

CHAPTER VIII

ATTITUDE TOWARD POLITICAL PARTY ACTION

It now remains for us to consider the attitude of the American Federation of Labor toward our political system and toward political party action. We have seen that the Federation makes a sharp distinction between the gains to be sought by legislative and political means and those to be secured through the economic method of collective bargaining. We have seen that this policy is the result of a theory concerning our legal and political instruments. The organization desires to conduct its activities, as far as possible, outside of their scope. Where that is impossible, it seeks to put men friendly to its interests in power.[1] The brief history of the organization, which has already been given,[2] has shown that a number of factors have turned the attention of the Federation toward non-partisan political action. Chief among these have been the failure of the Knights of Labor and other early political labor movements in the United States, a result which the Federation has ascribed to their political activities; the jibes of the Socialists; and the successes of its own methods as shown by the legislation which has been enacted in the United States since 1881.

Non-Partisan Political Action

The official policy of the Federation, almost from the beginning, has been one of non-partisan political activity. A section of the Constitution reads, "Party politics, whether they be Democratic, Republican, Socialistic, Populistic, Prohibition, or any other, shall have no place in the

[1] See Chapter II. [2] *Ibid.*

Conventions of the American Federation of Labor." [1] The Convention has declared:

> That the American Federation of Labor most firmly and unequivocally favors the independent use of the ballot by the trade unionists and workingmen, united regardless of party, that we may elect men from our own ranks to make new laws and administer them along the lines laid down in the legislative demands of the American Federation of Labor, and at the same time secure an impartial judiciary that will not govern us by arbitrary injunctions of the courts nor act as the pliant tools of corporate wealth.[2]

The Federation has consistently maintained that labor should vote for principles and programs rather than for parties, and that the way to secure support for the principles and programs that it endorses is to cast its vote with whichever party incorporates labor's demands in its platform or for whatever candidate proves himself labor's friend.[3] Any other method, the leaders aver, is likely to take the organization too far afield, and to dissipate its energies on matters irrelevant to labor's welfare.[4] Political programs launched by labor groups are considered "extravagant expenditures of strength." [5] An economic program taking cognizance only of the problems bearing directly upon the worker's welfare, it is believed, will absorb labor's entire energy. The alleviation of present conditions is of more importance to the Federation than the promulgation of party programs. Politics and labor, the conventions of the Federation have declared again and again, will not mix. The declaration has been made officially:

> Economic organization is that upon which we must concentrate our thought and effort. When economic organization is achieved, every other good becomes possible for the workers.[6]

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[1] Constitution, American Federation of Labor, Article III, Section 8.
[2] *Hail to Labor*, published by the American Federation of Labor, p. 2.
[3] Samuel Gompers: *The Workers and the Eight-Hour Workday*, p. 9.
[4] American Federation of Labor: *Convention Proceedings*, 1887, p. 29.
[5] *Ibid.* [6] *Ibid.*, 1914, p. 16.

Mr. Gompers has said:

> Political movements are ephemeral. The trade union movement is not alone for today. Its continued existence is too valuable to be gambled in the political arena. History demonstrates that at least two movements, predecessors of the A. F. of L. have passed into decadence because of their adventure in the field of politics.[1]

It has been the policy of the Federation to limit its political activities to fields in which legislation alone can secure the conditions which the workers desire.[2] As a matter of fact, the organization has expended much effort in its political program.[3] It has taken an active part in politics to accomplish two results; to secure specific legislation; and to elect trade unionists or friends of the movement to public office or to procure their appointment to political positions, so that the movement may have direct representation, not only in legislative bodies but in the administration as well. The organization has worked for one measure or one person at a time instead of dissipating its energies on a whole political program.[4]

In the early history of the organization, even during the time of the bitterest struggles with the Socialists, the leaders reminded the members of the power of the ballot, when independently used.[5] The campaign launched in 1906

[1] Editorial, *American Federationist*, Feb., 1919, p. 150.

The statement has also been made that, "Labor has never yet formed parties or undertaken to form one but that the control has been wheedled out of their hands by a lot of faddists, theorists or self-seekers, and thus perverted from its true labor interests and working-class characteristics. This is true the whole world over, wherever the attempt has been made." *Text Book of Labor's Political Demands*, published by the American Federation of Labor, p. 9.

[2] John P. Frey: "Labor and Politics," *American Federationist*, April, 1919, p. 324.

[3] See Chapter II.

[4] "There will be no cataclysm but a transition so gentle that most men will wonder how it all happened," Mr. Gompers has said. American Federation of Labor: *Convention Proceedings*, 1899, p. 15.

[5] *Ibid.*, 1893, p. 12.

rallied the workers and intensified the effort along lines already familiar to the membership. The significance of the program of 1906 [1] lay not in its novelty but in the fact that it enlarged this legislative program, made it one of the chief activities of the organization, and brought it vigorously to the attention of the members of the Federation throughout the country. The watchword adopted at that time and often since copied in the official publications of the Federation was:

"We now call upon the workers of our common country to Stand faithfully by our friends, Oppose and defeat our enemies, whether they be Candidates for President, For Congress or other offices, whether Executive, legislative, or judicial." [2]

Socialist Criticisms

The question is whether the results justify the policy of clinging to these methods. The leaders of the Federation claim that they do. The Socialists, on the other hand, declare that this policy is bound to be unsuccessful, that lobbying will not gain any results when there are other, larger, more powerful, hostile interests with unlimited funds to spend in lobbying, and that the only successful method is the formation of a political party.[3] They assert that the Federation's policy of non-partisan political action has cost great effort and has produced few results. They quote Mr. Gompers.

Trade unions, he has said, exist by sufferance; . . . (trade unionists) can be criminally prosecuted and imprisoned for a year and fined the sum of $5000; . . . they can be proceeded

[1] See Chapter II. [2] *American Federationist*, Aug., 1908, p. 605.

[3] "I recognize the limitations of the trade union movement, and I have come to the conclusion that it is absolutely necessary to also have a political expression of the wants and desires of the working class in order to place ourselves in a position of equality in waging the contest with the capitalists, who organize politically and industrially as well." Testimony of Max Hayes before the United States Commission on Industrial Relations, published by the Socialist Party under the title, *The Double Edge of Labor's Sword*, p. 158.

against in that way by any employer or business man who can show that he has suffered loss in his business through the normal activities of working people . . . and threefold damages may be claimed and obtained.[1]

Why, they ask, should the members of the Federation have to testify to its failures again and again? They remind us that, in the convention of the Federation, statements have been made that the

workingmen of the United States have been repeatedly humbugged and swindled by so-called platforms of political parties, professing interest in our welfare at every ensuing election;[2] that the partial relief secured by laws . . . has been seriously threatened; the beneficent writ of injunction intended to protect property rights has, as used in labor disputes, been perverted so as to attack and destroy personal freedom.[3]

The Socialists also assert that many of the gains that have come to labor from legislative enactment have been secured not so much through the efforts of the American Federation of Labor as through the agitation of various reform agencies and even of "capitalist" newspapers and organizations. They say that the test of the efficacy of the Federation's program lies in the organization's ability to secure legislation without the aid of organizations interested in general social betterment.[4] They cite the fact that in the case of the application of the doctrine of conspiracy to labor organizations, and in the application of the injunction to labor disputes, questions in which other groups have not been vitally interested, there has been no progress in legislation on labor's behalf since the passage of the Sherman Anti-Trust Act.[5] It must be admitted that

[1] Charges against Members of the House and Lobby Activities of the National Association of Manufacturers of the United States and Others. 1913.

[2] American Federation of Labor: *Convention Proceedings*, 1884, p. 8.

[3] *Ibid.*, 1906, p. 77.

[4] Robert Hunter: *Labor in Politics*, published by the Socialist Party, p. 106.

[5] See Chapter VII.

there is much to be said for this criticism. Some pressing labor conditions have been mitigated through the aid of outsiders and not mainly through the efforts of the labor movement. This is well from the standpoint of general interest in labor's welfare. It means, however, the Socialists aver, that the strength of the Federation must be gauged by its success in issues where the sympathies of the general public are not aroused.

The Socialists maintain further that the policy of rewarding labor's political friends and punishing its enemies leads to confusion and to the failure of the workers to act in unison. They say that some trade unionists believe that the Federation's policy is to disregard politics altogether; that others believe that it is the duty of union men to work for their friends and defeat their enemies; and that as a result of this confusion some members vote for one candidate and others for his rival, so that they nullify each other's votes and fail to secure the desired results.[1]

Finally, the Socialists assert that it is almost impossible for the union man, elected by the old parties, to remain true to the principles of the trade union when holding office. They say that when a laborite is elected on one of the "old line" political party tickets, he owes allegiance to the party and its bosses, and, in consequence his hands are so tied that he can do very little. They declare that the labor politician's only choice, after developing the more luxurious habits of the politician is to play politics or, dropping out altogether, to return to his work at the bench. The latter course involves so great a sacrifice for himself and for his family that a man cannot be expected to do otherwise than play the party game.[2] They aver that generally as soon as a trade-union leader becomes identified with a capitalist party, his influence in the labor movement is lost,[3] and that "when two Trade Unionists of two differ-

[1] Robert Hunter: *Labor in Politics*, pp. 113, 114.
[2] *Ibid.*, pp. 112, 119. [3] *Ibid.*, p. 119.

rent parties are fighting each other, the Trade Unionist, who has, in addition to his personal popularity, the backing and support of powerful financial interests, must succeed at the polls." [1]

These criticisms by the Socialists, coupled with the Federation's unwillingness to change its tactics, have caused rancor and irritation on both sides. Criticism of the labor leaders, and long debates over Socialist resolutions at the annual conventions do not promote a spirit of brotherhood, but serve to increase the distrust of any measure that looks Socialistic.[2] Therefore, though there are some Socialist delegates that still rise to discuss Socialism on every possible occasion, and thereby help to keep alive the old antagonism, there are many others who have adopted a less militant policy. Some of them have stood for progress in the labor movement along other than Socialistic lines. Some are keenly alert to the general problems affecting labor and have proved their loyalty to the trade-union movement.

Mr. Max Hayes, a Socialist who was elected one of the two fraternal delegates to the British Trade Union Congress in 1903, when called before the Commission on Industrial Relations in 1915 to testify concerning Socialism and Trade Unionism, said:

[1] Robert Hunter: *Labor in Politics*, p. 125. It might be added, however, that it is extremely doubtful whether the Federation stands to gain by securing the appointment of labor men to executive positions, including the secretaryship of the Federal Department of Labor. Labor leaders are trained to negotiate with employers on economic problems. Success in this line does not necessarily equip a man for the varied duties, political, executive, investigational, etc., involved in political positions. Such sectional representation of any considerable number of groups, however important in society, might tend, at a time of crisis, toward inefficiency or toward great partisanship and violence.

[2] For a brief outline of the debates and often acrimonious discussions between the members of the Federation who believe in non-partisan activity and the Socialists, see American Federation of Labor: *History, Encyclopedia, and Reference Book*, pp. 352–359.

There is not the difference between the membership of the Socialist Party and the membership of the trade unions that people are frequently led to believe exists, because of the contentions, the rivalries, the jealousies or animosities that may exist between the so-called leaders of these movements . . . . Whatever antipathy may exist between Mr. Debs and Mr. Gompers . . . does not exist among the rank and file. . . .

As a matter of fact, the very large bulk of the membership, a majority, I would say of the Socialist Party, is composed of trade unionists. . . .

We have Socialist organizations in hundreds of towns where there are no unions, and they are often used for the purpose of securing the formation of trade unions . . . .

You will find that there is a steady increase in the number of representatives from the National unions who are also Socialists.[1]

And so, while Socialism is anathema to the leaders of the Federation, it must be remembered that some Socialists are trying to allay the mutual suspicion which each group holds for the other. Meanwhile, however, the irritation toward the Socialists which is felt by many members of the Federation may serve at times to prevent the consideration of policies which might be labeled Socialistic.

The Federation's Defense of its Policy

The answer which the Federation makes to the Socialist criticisms is to point to its gains since 1906:

As a result of their participation in the political campaign of 1906, there were elected as members of the House of Representatives, six men holding paid-up trade union cards. This group acted as a center for Labor's efforts to secure legislation. In 1908, the group was increased to ten; in 1910 to fifteen. In 1912 Labor secured representation in the Senate. In 1914 the labor group consisted of seventeen members of the House and one member of the Senate.

The legislative achievements, steadily increasing for each Congress, show how the trade union movement succeeded in breaking up the Congressional deadlock against labor legislation and se-

[1] *The Double Edge of Labor's Sword*, published by the Socialist Party, pp. 155–157.

curing laws according them necessary freedom of action and protection.[1]

In 1908 the Federation had "secured endorsement for its demands in the party platform of one party." [2] Later, in 1913, the Department of Labor, with its Secretary, a Cabinet officer, was established. In 1914 the Federation won "a remarkable victory" [3] in the passage of the Clayton Anti-Trust Act, which declared that the labor of a human being was not a commodity or article of commerce. In 1915, it gained still further by the passage of the La Follette Bill, and in 1916 and 1918, by the enactment of the Federal Child Labor Laws.[4] Labor has declared that all but one of the items of labor's Bill of Grievances of 1906 has secured some measure of redress through legislation.[5] Moreover, it has contended that "a tremendous change has been wrought in the policies and in the spirit of those who make up the administrative and legislative divisions of the federal government." [6]

By focusing its efforts on a few labor problems the Federation has been able to attract to these parts of its program the sympathies and interests of many outside of the labor group and has thus strengthened its cause. Often people have upheld one item in its program who would not endorse many of its other efforts, and it has, consequently, gained by their support. Moreover, the Federation claims that, while the outsiders give support, it is the labor movement, face to face with these problems, that leads public

[1] *Legislative Achievements of the A. F. of L.*, pp. 4, 5.

[2] Samuel Gompers: *The Workers and the Eight-Hour Workday*, p. 9.

[3] American Federation of Labor: *History, Encyclopedia, and Reference Book*, p. 328.

[4] See Chapter VII.

[5] *American Federationist*, March, 1917, p. 189.

[6] American Federation of Labor: *Convention Proceedings*, 1916, p. 81. For accounts of the specific achievements of the Federation in these matters, see *Legislative Achievements of the A. F. of L.* and the reports of progress made in the issues of the *American Federationist*, from year to year.

opinion in these matters and is the driving force back of the agitation which finally causes the enactment of legislation.

Moreover, legislation in the United States is constantly being modified by the necessity for conformity with the Constitution and the fact of a final appeal to the Supreme Court. Not only is there the Constitution of the United States to consider, but there are the constitutions of the forty-eight different states, making enormously complex the question of standardization in any sort of social legislation. Collective bargaining, therefore, seems often the easier method of gaining results.

The Federation asks the Socialists to prove that it has failed. It believes that its accomplishments, considering its age and its expenditure of effort, have been marvelous. It states that it has recognized the fact that in many things "there is no harmony, no unity of action, no solidarity of movement"[1] among its members. It has realized that "local Federations fight each other, and the unions within local Federations fight each other";[2] and, realizing this, it has only demanded unity of action in matters in which there has been likelihood of its obtaining such unity. It has understood that its membership is made up of many and varied races, creeds, and social ideals, and has urged them to ignore these matters in their common fight for the bettering of their own conditions of work. It has appreciated the strength of the Republican and Democratic parties and has seen that a program of conquering them through a third political party would be a long, slow and, it believes, impossible process involving the sacrifice of many urgent needs along the way. It has known that the workers were more interested in "more, more now" than in a political or social program, that the mass of the people are interested in their own personal concerns. The greater social problems may rage around them; but their main in-

[1] R. Hunter: *Labor in Politics*, p. 114. [2] *Ibid.*, p. 114.

terests are connected with the most pressing facts of their daily lives. Political parties or régimes may come and go; but the problems of earning the daily bread, of food, clothing, housing, recreation, working conditions, and general comfort continue and take precedence over the larger issues that circle about their heads. A union, built on the bread and butter problems, can gain support and strength, where one that tries to cover the problems of the universe goes to pieces.

Moreover, the Federation has been, in the past, a small organization, bitterly opposed by the monied interests of the country, with nothing with which to fight its battles except the united efforts of its members. It could not sacrifice this unity to a distant, intangible program, when its workers were needing immediate relief. It would have lost its membership. It would have split on religious and political issues. Many of its members would have withdrawn, offended or discouraged.

It seems that only after a labor group has learned restraint and concerted action through the discipline of working together on common problems, essential to the very life of its members, can it go forward. Only when it has these other essential matters well in hand can it count on the support of its membership in considering larger, more abstract issues. Only after the members have learned to work together on their common economic problems, forgetting differences of race, religion, politics, and other beliefs, can they disregard these personal convictions and prejudices in the attempt to handle general social matters.

The American Federation of Labor has said that political power was only a reflection of economic power, and that when labor stressed a mainly political program the economic aims became secondary, so that it lost both politically and economically. It has, therefore, shaped its program along the lines indicated, and has succeeded in many ways. The economic organization has been strengthened

until it has become a power to be reckoned with. The voices of over four million people in the country, backed by the sympathies of many more and expressing the demands of still more, are not to be neglected. As the economic power has grown, political power has been added.

One needs only to recall the occasions on which the Federation was used during the war, the dependence of the country upon it for production, and on its leaders, and particularly on its President, for counsel in labor matters, to see another reason why it prides itself on the success of its methods.[1] The position of importance that Mr. Gompers held in the American Alliance for Labor and Democracy will be recalled. It will be remembered that President Wilson made the opening address to the annual convention of the American Federation of Labor at Buffalo in 1917,[2] a recognition which no other President had given to a labor organization, and sent a telegram to the convention in St. Paul in 1918,[3] congratulating the organization on labor's assistance in the prosecution of the war.[4]

Moreover, the Federation has seen the divisions that have sprung up in the American Socialist and radical labor groups, since the organization of the Socialist Labor Party, in 1877. Splitting off from it, came the Socialist Trades and Labor Alliance in 1895, and the Socialist and Socialist Democratic Parties in 1899. For twenty years

[1] For official mention of labor's power and activities during the war see *A Handbook of Economic Agencies of the War of 1917*, Monograph No. 2, published by the War Department.

[2] American Federation of Labor: *Convention Proceedings*, 1917, p. 2.

[3] *Ibid.*, 1918, p. 134.

[4] The power of labor during the war, however, can hardly be called political. Its real basis was economic. The government feared that labor's failure to coöperate might mean shortage of supplies and defeat in war. This is a far different matter from political power, and accounts for the change in the attitude toward labor organizations when the war was over. The Federation believed that it had gained political power, when, in reality, it had only been a necessary part of the winning of the war. It learned the difference when the same government that had sought its coöperation sought to limit its activities after the armistice was signed.

the Socialist and Socialist Labor Parties continued, each nominating candidates at the time of elections. The Socialist Labor Party numbered only a handful; and the Socialist Party drew many of its votes from people who did not believe in class conflict, but voted the Socialist ticket as a protest against the political methods of the two old parties.[1] Then, in the summer of 1919, the Socialist Party divided into three groups, the Right Wing, that kept the party name, the Communist and the Communist Labor Parties. The two latter approached more nearly the position of the Socialist Labor Party, but did not join it. They united in 1920 under the stress of persecution but remained apart from the other two groups. Moreover, some of the members of the Socialist Party joined the Independent Labor Party before the summer of 1919.[2] The Federation has desired to avoid such dissensions, arising from conflicts of opinion, and has found itself growing steadily in numbers while the actual membership of the Socialist parties has been small.[3]

[1] See R. F. Hoxie: "The Convention of the Socialist Party," *Journal of Political Economy*, July, 1908, pp. 442–450; "The Rising Tide of Socialism," *Journal of Political Economy*, Oct., 1911, pp. 609–631; "The Socialist Party in the November Elections," *Journal of Political Economy*, March, 1912, pp. 205–223.

[2] In spite, however, of the numerical weakness and the divisions in the Socialist ranks, the ideas are spreading. Believers in municipal ownership of public utilities, for example, number far more people than Socialist parties ever polled. The spread of ideas is not always dependent on the size of the organization promulgating them.

[3] Moreover, the Federation declares that the strength of the Socialistic European labor groups is greatly overestimated and that, in reality, those groups are not as strong as its own organization. Its leaders attribute the weakness of the European labor movements to the dissipation in political activities of European labor energies, which should be concentrated on economic problems. For a discussion of this matter see National Civic Federation Commission of Inquiry: "The Labor Situation in Great Britain and France"; Pt. II, by J. W. Sullivan, on "Varying Forms of Labor Organizations, Methods and Purposes in the United States, Great Britain and France," especially Chapters 2 and 3.

Changing Conditions

Changes, however, are occurring in the Federation. The movement toward industrial unionism is one example.

> The American Federation of Labor is broadening from the purely craft or trade form of organization into an industrial form. There are at least a dozen international unions affiliated with the American Federation of Labor that are industrial in their character, as the Miners, the Brewery Workers and other bodies. The Machinists only recently broadened out. They are now talking about merging three of the garment working trades into one complete union . . . . One union, the Hod Carriers, had a larger increase last year in membership than the entire membership of the I. W. W. is today. The United Mine Workers and Brewery Workers include thousands upon thousands of unskilled, so-called "common laborers" in their ranks.[1]

The Seattle and Winnipeg general strikes of 1919, the steel strike of that year, and the miners' strikes of 1919 and 1922 were typical of industrial rather than craft-union methods.[2] The Seattle Federation's suggestion, in 1919, to unite all organized labor into twelve inclusive industrial unions,[3] and the talk of an alliance between the miners and railway workers in 1922 were again symptomatic of industrial rather than of craft unionism. The fact that the leaders of the Federation and of the strong international unions composing it are opposed to such ideas and activities does not alter the significance of the revolt against the time-honored policies of the organization. The importance of this in connection with the Federation's attitude toward political action is that industrial union groups are usually more "radical" than craft unions. If these groups gain in power, they may tend to alter the policies of the Federation.

[1] Testimony of Mr. Max Hayes before the Commission on Industrial Relations, 1915; published in *The Double Edge of Labor's Sword*, pp. 164–165.

[2] See American Federation of Labor: *Convention Proceedings*, 1903, p. 19.

[3] See letter of March 12, 1919, sent by the Seattle Federation to all organizations affiliated with the American Federation of Labor.

The second indication of the change in spirit coming over the workers was the Plumb Plan, proposed in 1919, for joint control of the railways by representatives of the government, the workers, and the officials, promoted by the most conservative of craft-union groups, the Railway Brotherhoods.[1] Again, this plan was only reluctantly endorsed by the American Federation of Labor. Dealing as it did with nationalization of the railroads and labor's responsibility in management, the Plumb Plan was contrary to all the traditions of old craft unionism and collective bargaining. Moreover, when the Plumb Plan was not endorsed and the railways were returned to private ownership, many of the rank and file of the Railway Brotherhoods, long known as the most conservative of craft-union groups, failed to follow their leaders and conducted a general strike.

When the question of government ownership of the railways was brought up at the 1920 Convention of the American Federation of Labor, the leaders of the Federation opposed it. Mr. Frey and Mr. Gompers both made speeches strongly condemning such a measure. But the vote of the convention was overwhelmingly in favor of government ownership of the railways.[2] This action was significant not only because it indicated the attitude of the delegates toward a measure, which formerly could easily have been defeated as "socialistic," but because it showed that the convention was getting out of hand, opposing the policies of the old leaders.

The Farmer-Labor Party

Another sign of change was the development of the Farmer-Labor Party movement. Inaugurated in Chicago

[1] The Railway Brotherhoods are, of course, unaffiliated with the American Federation of Labor, but stand for conservative craft-unionism and usually gain the support of the Railway Department of the Federation for their policies.

[2] American Federation of Labor: *Convention Proceedings*, 1920, pp. 407–420.

in November, 1918, as the Independent Labor Party, it spread throughout the country, so that the national convention of July, 1920, seated delegates representing all parts of the country, from coast to coast and from north to south. This new party did not speak in the terms of Socialism. It did not talk of revolution. One of its official organs declared:

> These men know as well as the NEW MAJORITY knows, as well as the Labor Party knows and as well as the American Labor Movement knows, that violent revolution does not threaten the United States. That it is as remote from probability as it is undesirable.[1]

The leaders dwelt instead on the failure of the old parties and of craft-union collective bargaining. They declared:

> Certainly Mr. Gompers cannot keep a straight and serious countenance and allege that his "political" policy has yet — fourteen years later — adjusted these grievances in Labor's favor.
>
> Look them over.
>
> You will find every one of these grievances repeated in the protestations of the A. F. of L. Convention at Atlantic City in 1919.
>
> The only one that would seem to have been adjusted is the seamen's grievance, to right which the Seamen's Act was passed. But this was not due to the "political" policy of Mr. Gompers. It was due to the efforts of Andrew Furuseth, Victor Olander, and their associates and the long, uncompromising fight of Senator La Follette.
>
> And even that grievance still exists, for, although the Seamen's Act was passed, it has been administered in a way that has kept Furuseth bobbing into and out of Washington constantly, fighting for the seamen's rights under the act and boiling with indignation over the defeat of the law by the method of its administration. . . .
>
> The pitiful climax of Mr. Gompers' political efforts stands forth exposed to the world in the Wilson administration. Never before had the leader of the labor movement in the United States attained such influence with the government. Never again will Mr. Gompers have so much prestige and personal entree into a federal administration. And what did it get the workers?

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[1] *The New Majority* (published by the Independent Labor Party of Cook County, Illinois), Jan. 10, 1920.

Never before has a federal administration so ruthlessly and shamelessly trampled upon the rights of the workers. Never before has the misuse of the injunction to defeat the workers been so vicious. Never before have all the powers of government been so mobilized to defeat Labor. And this has been done by the Wilson Democrat administration and the more recent Republican congress, with equal diabolical enthusiasm. . . .

It is time to try some other plan. It is time to try to make the votes of the workers count. The only way it can be done is to marshal the workers into their own party, with no entangling alliances with Wall street through a civic federation or any other instrumentality — a party controlled by themselves and — most important of all — financed by themselves.[1]

Conclusions

The question at issue is whether these new movements are symptomatic of a change in attitude of the majority of the membership of the American Federation of Labor, which must, sooner or later, register itself in the official position of the organization; and whether the pressure of unfavorable legislation and hostile employers' associations, which some of the rank and file of the Federation wish to oppose by political party action, will change the policy of the Federation. Would political party action enlarge the activities of the Federation or cause it to dissipate its energies; and is there any likelihood of the leaders' adopting such a policy? Is there any alternative?

The Federation points to its past legislative successes and to the problems involved in the establishment and development of a Labor Party. Its leaders remain firm in their adherence to the program of rewarding labor's political friends and punishing its enemies.[2] They declare that the Federation has gained unity and prestige; that it has

[1] *The New Majority*, Feb. 28, 1920.

[2] For example, of the position of the leaders of the Federation with regard to independent political action, see the discussions on this matter in the *American Federationist* during the years 1919 and 1920 and specifically the issues for March, 1920, pp. 233–236, 257; April, 1920, pp. 321–335; May, 1920, pp. 436–442.

the financial backing of its many members; that it comprises strong labor organizations in many trades, so that it is increasingly worth the while of individual workers to join its ranks. They remind us that it has, what the Knights of Labor or the Socialist Party never has had, a large, well-disciplined membership, accustomed to act together under officers trained in executive leadership.

But their opponents in this matter aver that these gains are not nearly so great as the leaders of the Federation believe, and indeed are, at times, almost negligible. They say that the fact that a program has succeeded in the past is no sign that it is the best method to follow in the future, that a plan needed to build up an organization in the years of its weakness may not be the best for it when it has grown to strength and maturity. Moreover, they assert that the increasing strength of the Federation has aroused the antagonism of its old enemies to a high pitch. There is more public realization of the rights of the workers, and of the workers' need, under the present conditions of industrial organization, for the weapon of collective bargaining. But there is also more fear of their power, if they are left uncontrolled. The employer fears that organized labor will wish eventually to absorb the entire profits of the industry in wage demands. He, therefore, often attempts to control the growing strength of unionism by the open shop and even by methods of violence. The public, striving to prevent the increasing cost of living, sees prices rise after a strike. The workers, on the other hand, suffering from these same increased costs, strive to raise their wages. They feel that they are misunderstood by the public, which, in its turn, sometimes regards them as anti-social and seeks to control their activities.

As Mr. Gompers has said, there is no limit to labor's desires. The believers in political party action reason in the following strain: If economic gain continues to be the main interest of labor and its demands become excessive

the government may be forced to take a hand, as a means of self-protection. People must have coal. Means of transportation and communication must be maintained. The union's efforts to gain better terms by curtailing the production of such absolute necessities may call forth the power of the government against them. Economic power may be fought with political power. The side of the government would, in such an event, be largely upheld by those who possessed the means of information and education, including the press, the pulpit, and the school. Blame might be laid on the worker and his organization for the hardships which people were enduring. This would curtail union activity fully as much as internal dissensions over political issues.

On the other hand, continues the believer in political party action, there may be new elements in the present situation, which would prevent a fresh disaster if labor undertook political party action. Political labor parties in the United States have not, hitherto, usually had such strong and well developed trade-union organizations back of them. A political labor party movement, to-day, might profit from the experience and organization of the American Federation of Labor, whose members are accustomed to acting together as units in their unions. Differences of opinion might be threshed out in the local or national craft groups. In this way, labor might preserve the strength of both the small and large forms of organization. Moreover, if the vast mass of the workers is inert and is interested simply in bread and butter problems, the old policy is not one that is calculated to educate the membership to any different ideas and ideals of the labor movement. Perhaps labor's active participation in politics as a party would do so.

Can the Federation enlarge its time-honored program to meet the new situation, and does the Independent Labor Party point the way? Must a political party fail as its

predecessors have done in America, or was that failure due more to poor organization within the labor group than to political party action as such? The American Federation of Labor says that such movements are doomed to failure. The advocates of such a party declare that previous failures have arisen from lack of just such disciplined membership as the Federation has developed during the forty years of its existence. They say that, when driven to the wall, American labor turns, in spite of itself, to political action as the only way out. The Chicago Federation of Labor voted ten to one for the formation of the Independent Labor Party in 1918. A year later, the Pennsylvania State Federation of Labor, after the steel strike, voted three hundred to one in favor of independent political action.

Nevertheless, even some advocates of political party action wonder, at times, whether the adherents of non-partisan politics are not right. The Farmer-Labor Party polled less than 300,000 votes at the presidential election in 1920, and the Socialists about 900,000.[1] Are the leaders not almost justified in assuming that that vast, inert mass, the rank and file, will not be stirred by ideas but only by "bread and butter" problems? They care little about anything except higher wages and shorter hours. Many of them do not want social or even industrial responsibility. Their union is only a means to gain better wages and shorter hours. In time of prosperity it is hard to draw them out even to local union meetings where their own labor problems are discussed. When matters are going well, they are inclined to leave all work and even all thought concerning the union to the leaders. If such is their attitude toward their trade-union organizations, it is hard to conceive of arousing them to the thought and activity necessary to carry on a successful labor party.

[1] It must be remembered, however, that a movement that has never been able to poll many votes may, nevertheless, greatly effect national life and ideas. The Prohibition Party is, of course, an example of this fact.

CHAPTER IX

LIMITATIONS OF THE FEDERATION'S PROGRAM JUDGED BY ITS OWN STANDARDS. SUGGESTIONS

Implications of the Federation's Program

Finally, in an analysis of the program of the American Federation of Labor with reference to legislative and political activity, it is important to point out the implications of the policy adhered to, in order to see what the possibilities are for future development along the lines taken by the Federation. The most obvious implication with reference to legislation and politics is that these are equipped to deal in only a very limited way with the industrial problems of organized labor.[1] The legal and governmental machinery are conceived of not only as being unjust, unwieldy and slow, but also of being inherently incapable of handling the disputes arising between employer and employee. Many of the acts contemplated by labor are not illegal, to its thinking, but extra-legal. Labor wishes to be let alone in the pursuit of its program.[2] Many groups feel,

[1] "It must be clear to every student of the history of our industrial development that there is a vast field of human activity into which the judicial and legislative branches of our government are not competent to venture. The relations between employers and workmen is a field which, with few exceptions, can never be entered by these departments of government without producing more mischief and confusion than prevailed before.

"We have reached a period of development in our industrial and economic life where methods heretofore tried and found wanting must be laid aside. We must strike out boldly into newer paths indicated in the light of existing economic laws and industrial tendencies, and leave behind us a system of law and of court decisions and decrees of a decadent age, suitable only to a simple and primitive system of industrial organization." Speech of Matthew Woll before the National Civic Federation, February 14, 1921.

[2] This is the basis of the British Trade Disputes Act of 1906. See Chapter VII.

at times, that the law, as it exists, is incapable of making fine distinctions in a particular situation and of seeing the merits of their side of the case. Of course, this inability to be bent by the sudden and oftentimes violent desires of a group is frequently a source of strength in the law, as it makes for stability in society; but the persons concerned often do not appreciate this fact. Organized labor has had more cause than many other groups to believe that the law is not attuned to an understanding of its problems. The Federation has, therefore, perhaps, been more insistent than some other groups in its demands for an opportunity to employ more direct methods.

A further implication is that their economic relations are not the sole nor, at times, the most all-absorbing contacts of the workers. Religious, political and social interests divide men, so that those who stand together in the trade-union organization may be found in entirely different groups when these other questions are uppermost. In this assumption, the Federation is entirely in accord with modern social psychology, which conceives of society as made up of many groups, interlocking, overlapping, shifting and changing, so that people who are thrown together in one body may be in widely differing groups in another alignment.

A final implication which might be drawn from the stand of the Federation, although it has not been used by the leaders of the organization in justification of their policy, as have the others noted above, is that it is not the function of an economic organization to usurp the political field or to develop a general social program. Here, again, we must concede that the policy of the Federation is wise. It is not the function of labor or of any one group in society, no matter how important or needy, to control the whole social body, shaping it to their own ends. In fact, much of the criticism of labor organizations that has been made has arisen from the fear that they would control one aspect of

social life, viz., the industrial side of affairs. The ideal of democracy involves the representation of all groups and not the domination of one element in society.

Possibilities

If we concede that there is reason and justification in the Federation's non-partisan political attitude, we must still analyze its program to see whether in it lies a weakness in or menace to the body politic or a possible source of strength. If it is not fair to judge the Federation by political party standards,[1] it certainly is just to examine it in the light of its own criteria, viz., economic organization and development, especially since it claims that by its chosen methods it can best serve its own members and society.[2] It is important to consider the possibilities and social effects of a strong, economic organization developing, as far as it has been permitted to do so, outside our legal boundaries.

There are several types of thinking into which a program such as the one adhered to by the Federation, may lead. One is that of the Syndicalists. So far, however, the policy of the Federation has not been antagonistic to our present form of government. There has been no idea of substituting general industrial control for our prevailing

[1] See the Federation's answer to Socialist criticisms, Chapter VIII.

[2] "There is not a wrong against which we fail to protest or seek to remedy; there is not a right to which any of our fellows are entitled which it is not our duty, mission, work and struggle to maintain. So long as there shall remain a wrong unrighted or a right denied there will be ample work for the labor movement to do." American Federation of Labor: *Convention Proceedings*, 1909, p. 1.

"There is not an economic improvement secured nor a humane legislative demand upon the statute books of our country, unless it is the achievement of years of undaunted effort on the part of the trade unions." From "Trade Unions, their Work and Worth," *American Federationist*, March, 1898, p. 10.

"Our unions, with their teachings of more intelligence and closer unity, have been, and are today, the great and potent means that the ever advancing civilization of the age is using to bring light, justice and reason to the people." American Federation of Labor: *Convention Proceedings*, 1908, p. 16.

political one. The legislative program of the Federation and its coöperation with the government during the war make any such interpretation of its attitude far-fetched. The organization does not want to do away with our present state but merely to gain for its membership a larger and larger share in the goods produced and advantages offered.

Another type of thinking toward which this view might lead is that enunciated by the Guild Socialists in England or the Socialist Labor Party in the United States, viz., the belief in dual organization of the workers, the same individuals being concentrated into one group for economic and into another for political action.[1] That the Federation does not consider this, however, is shown by its antagonism to the Independent Labor Party movement inaugurated in Chicago in 1918, which, launched by the Chicago Federation of Labor, was intended to represent the same working groups politically.

It is conceivable, also, that its thinking on political party action is leading the Federation nowhere particularly, that its leaders, appreciating the dangers of political action on the part of labor groups, have simply developed a negative policy toward legislation and politics. Such a policy undoubtedly has value for an organization during certain stages of its growth. However, with its membership constantly increasing and with pressure from the outside continually growing stronger, a negative policy will hardly suffice. Without a constructive program the tendency would be to drift toward Syndicalism.

There is, however, finally, the possibility that a strong group may conceive that it can most effectually serve society by the broadest possible development of its own members in their various relations to each other and to society. This is in line with the thinking of the political theorists who believe that the highest democratic state will

[1] G. D. H. Cole: *Guild Socialism.*

come through the greatest development of the various groups within it, unified through a creative synthesis and not through a process of leveling down to the homogeneous mediocrity of the mob nor through control by a political clique.[1] Since it has refused to tread the other paths of nonpartisan political activity, this is the possibility ahead of the American Federation of Labor. It is well, therefore, to analyze the Federation with reference to its contribution to the economic field, wherein, according to its own assertions, its activities largely lie.

Limitations

If the Federation is organized to meet economic and industrial problems for the benefit of its own membership and the good of society as a whole, we find some serious problems ahead. The Federation has spent much of its strength in the past in perfecting its organization. The limitations of its program can be explained when one remembers the past methods of obtaining its demands. In the efforts to put itself and its members on a firm basis of bargaining for wages and terms of employment, and in the limitation of its program to the few most essential steps that it has seen just ahead of it, the organization has grown up without a full sense of responsibility toward the problems of industry as a whole. It is not intended to imply that it has differed, in this blindness to the general industrial needs of society, from the employing groups;[2] but, because it is in the position of demanding a new definition of the situation, more is expected of the labor group than of the employers, whose standards have been more or less accepted by society. Now, with the Federation's membership numbering over four million, the problem is becoming acute. An organization created largely for combat with the

[1] M. P. Follett: *The New State.*

[2] See "Waste in Industry," *Report* of the Committee on Elimination of Waste in Industry of the Federated American Engineering Societies.

employer naturally functions in the conduct of industrial strife, and such strife may develop impatience on the part of the people at large, with the result that they will favor restrictive labor legislation and endorse open-shop policies.

But industrial warfare may itself be symptomatic of another sort of failure in the economic program of the Federation. An organization composed of over four million workers, presumably daily meeting the problems of industry, it has failed, so far, to set forth a constructive policy for meeting the perplexing questions of production. In fact, restriction of the output has often been one of the policies of many of the working groups composing the Federation.[1] The public frequently sees no connection between increased wages and greater output or decreased costs. Indeed, at times, indications seem to point the other way. The increased cost of production due to increased wages is often, if not generally, not taken out of the industry but from the general public. This consuming public is partly composed of even more poorly paid workers. Often an increase in wages is an excuse for an undue increase in the price of the commodity, the excess going to the producer. Indeed, this sometimes gives rise to the belief that capital and labor are "hunting together."[2]

Moreover, scientific management, the one great attempt of the employing group to increase efficiency of production, has been violently opposed by labor for reasons that have, in the past, been very potent. The early enthusiasm for the Taylor system only too often regarded the stop watch and the differential piece rate as the evidences of "science" in management.[3] But the unions' just complaints against the evils of the system, which have forced many modifica-

[1] See Robert F. Hoxie: *Trade Unionism in the United States,* Chapters 10, 11.

[2] Ray Stannard Baker: "Capital and Labor Hunt Together," *McClure's Magazine,* Vol. XXI, p. 451–463.

[3] For a thorough discussion of labor's reasons for its opposition, see Robert F. Hoxie: *Scientific Management and Labor.*

tions of the objectionable features of the movement, have, until the present time, placed them in a position of opposition to the whole idea. Since the scientific management of industry seems to point toward the possibility of greatly increased production of goods by developing efficiency, particularly in the organization and management of industry, rather than by exploiting special working groups, labor's attitude has seemed negative rather than constructive. And finally, the Federation has, until recently, opposed suggestions from trained people outside of labor movement, who might have been of service in the shaping of a more constructive policy.[1]

Signs of Progress

There are, however, signs that the Federation is waking up to the problems of production and the need for an aggressive step in the direction of their solution. Mr. Gompers and the international officers are beginning to talk about the need of adequate production[2] and to get in touch with industrial engineers,[3] largely, as yet, however, from the standpoint of safeguarding labor's interests already acquired. Such a combination of labor with the engineers should result in a constructive program for production. In addition to this, there has been recently a tendency on the part of the organization to recognize the value and ne-

[1] "Let us speak plainly, organized labor does not want, does not need, and will not accept the kind of coöperation that these persons have offered. . . . It will not be guided or directed except by itself. None other is competent to tell labor what to do. Labor does not need to be 'interpreted' by so-called and self-styled intellectual advisers." Editorial, *American Federationist*, June, 1919, p. 519.

"Not one school of political economy in any era or our industrial and commercial life has advanced the wage-earners one jot in their material interests." Samuel Gompers: *Organized Labor: Its Struggles, Its Enemies, and Fool Friends*, p. 7.

[2] American Federation of Labor: *Convention Proceedings*, 1920, pp. 86–88.

[3] *American Federationist*, June, 1921, pp. 33–46; Feb., 1921, pp. 122–134.

cessity of scientific research.[1] These two steps may indicate far more progress than is at present apparent. They certainly tend in the direction of great future development along the line of the chosen policy of the Federation.

It would seem that its contribution toward a comprehensive program for increasing efficiency in production should be the test by which the efficacy of the chosen policy of the Federation should, in the future, be measured. This should presumably include an increasingly wider labor membership in the organization, increased production with decreased costs to the consumer, the stabilization of employment and wages, the lessening of industrial warfare, and closer coöperation with those outside of the labor group who can aid in the development of a constructive program along the lines indicated. Together with this, must come the development of the membership, so that such a policy shall not be purely the conception of the leaders.[2] If the Federation proceeds along these lines, it will amply justify its program of non-partisan political activity.

[1] "Whereas, The progress and well-being of the people of America depend upon thorough understanding of the direct human needs and conditions of life as well as upon military defence, and the promotion of property interests; and

"Whereas, Scientific research is necessary to increased production and better distribution of the necessities of life, as well as the physical protection of the workers at their jobs; therefore be it

"Resolved, That the American Federation of Labor, in Convention assembled calls upon the Congress of the United States henceforth to provide liberally for the study of social and industrial problems and technical research in all branches of sciences, touching the welfare of the nation's people." American Federation of Labor: *Convention Proceedings*, 1920, p. 397.

[2] In so far as the hesitancy of the officers of the Federation in branching out into the new fields suggested has been due to an appreciation of the importance of carrying the membership with them, it has undoubtedly been the part of wisdom; for, to maintain its integrity and to develop soundly, the labor movement must carry with it the rank and file and not simply be a body perpetuated and controlled by the leaders.

THE END

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It is not intended here to give a bibliography of the labor movement, or even of all of the material concerning the American Federation of Labor. The purpose of this list is merely to indicate the sources which may be drawn upon for further study of the subject under discussion in this book.

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